



USAID | **UKRAINE**
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REPORT ON CONFERENCE OF COURT PUBLIC INFORMATION OFFICERS

BUILDING TRUST VIA COMMUNICATIONS

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Nove Pravosuddya Justice Sector Reform Program (New Justice)

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Development Objective 1: More Participatory, Transparent and Accountable Government Processes

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INTRODUCTION

The USAID Nove Pravosuddya Justice Sector Reform Program in Ukraine (New Justice) is designed to support the Judiciary, the Government, the Parliament, the Bar, Law Schools, Civil Society, Media and Citizens to create the conditions for an independent, accountable, transparent, and effective justice system that upholds the rule of law and fights corruption in Ukraine. In achieving this overarching goal, New Justice focuses on the following objectives:

Objective 1: Judicial Independence and Self-Governance Strengthened.

Objective 2: Accountability and Transparency of the Judiciary to Citizens and the Rule of Law Increased.

Objective 3: Administration of Justice Enhanced.

Objective 4: Quality of Legal Education Strengthened.

Objective 5: Access to Justice Expanded and Human Rights Protected.

Pursuant to Objective 2: Accountability and Transparency of the Judiciary to Citizens and Rule of Law Increased, Sub-Objective 2.1: Transparency by the Judiciary Increased, New Justice supported the participation of Ukrainian delegation consisting of press-judges and court press-officers in Annual Meeting of the Conference of Court Public Information Officers that took place in Cleveland, Ohio, U.S. from August 5 to 7, 2019. This event was hosted by the Conference of Court Public Information Officers (CCPIO), which is the professional organization dedicated to the role of court communicators in the United States and worldwide. This organization provides training, networking opportunities, and professional enhancement tailored to the unique duties of court communicators. (<https://www.ccpio.org/>).

As presented in the conference [agenda](#), this activity directly supported expected result (ER) 2.1.3. Increased outreach by the Judiciary to the public and press. This event brought together 80 participants, including judges, court public information officers and renowned experts, from all over the United States, Australia, Ukraine and Albania to discuss contemporary challenges that courts are facing in their communications with the public and media and share best practices to overcome them. In particular the discussions were focused on how effectively plan and manage media relations, crisis communications, educational court projects, community outreach, internal communications and use of social media. During the conference Ukrainian judges and court communicators conducted candid discussions on a range of topics related to court outreach, got familiar with the best international practices in this area and built professional relationships with their counterparts throughout the United States and other countries.



Participants of the Annual Meeting of the Conference of Court Public Information Officers near the entrance to the Historic Courthouse in Cleveland downtown, Ohio, U.S., August 5, 2019.

CCPIO invited Ukrainian delegation to share experience in educating the public on court system and legal issues to raise public trust and confidence in the judiciary. The delegation included Mr. Yevgen Kruk, Deputy Chief Judge of the High Anti-Corruption Court of Ukraine, Ms. Olha Honcharuk-Alifanova, Khmilnyk city district court of Vinnytsia Oblast, Ms. Oksana Lysenko, Head of Press-Center of the Judiciary, Ms. Karyna Aslanyan, Communications Advisor of the Chief Justice of the Supreme Court, Mariia Shvenko, Head of the Press-Service of the Supreme Court, Yulia Saldan, court public information officer of Court of Appeals of Khmelnytsky region, and New Justice Legal Advisor Uliana Pashynna.

The sections that follow include summaries of the conference sessions, lessons learned and best practices that can be applied in Ukraine, and conclusions. Annex A presents an action plan for sharing results of the conference with a broad range of Ukrainian stakeholders and promoting greater transparency of courts through more effective, human-centered court communications.

SESSION SUMMARIES

The Conference lasted three days and covered some of the central issues that judiciaries are facing now operating in conditions of lack of public trust to state institutions, including courts, declining role of traditional media, rapid development of social media, growth of civil activism, adversarial information campaigns against courts or judges and fake news. The event took place in the Historic Courthouse located in Cleveland downtown, which is a stone French Renaissance building, constructed in 1912, with elaborate façade, bronze statues of Thomas Jefferson and Alexander Hamilton and magnificent stained-glass window with Lady Justice, not blindfolded, to show that justice should be open to both the letter and the spirit of the law. Conference sessions took place in panels. Each panel was chaired by a moderator with presentations by judges, court public information officers and experts in each topic, with panelists then responding, and thereafter, contributions from the floor. A summary of each of the sessions by topic follows.

OPENING REMARKS

The Ohio Supreme Court Chief Justice, Maureen O'Connor opened the event, delivering a keynote speech. She started from recognizing the court public information officers' important role in strengthening public trust to courts through regular communications with media, design and implementation of various public outreach campaigns aimed at improving public understanding of the courts and their work. She mentioned that taking into account that courts are operating in times of fake news, alternative facts, disinformation, overload of information, political biases, the work of court public information officers

Courts have always been active places, but now courts — through our work and society's needs — have become proactive places. It is not just about trials, day-in and day-out. Courts have become agents of change.

— CHIEF JUSTICE MAUREEN O'CONNOR, SUPREME COURT OF OHIO, U.S.

in accurately delivering court messages is equally important as the judging itself and is highly appreciated by the Ohio Judiciary.

Chief Justice shared her experience on how important for the courts is to take the lead and communicate effectively in a situation when there is a danger to the welfare of the communities they serve. Thus, in 2018, Chief Justice built a coalition of Judges, Bar Association members, law school professors and students to use every media outlet, newspaper and social media to educate the public about the detrimental consequences for the community and drug addict people of the proposed Drug Law Amendment to Ohio State Constitution. The Ohio Judiciary's single voice policy won the extensive information campaign of the proponents of that Amendment. Justice O'Connor finalized her speech, mentioning that courts are the cornerstone of the American democracy and the agents of change who should respond to the needs of the society.

The CCPIO President, Ms. Leah Gurowitz greeted the participants with this important event, mentioning that the history of their organization dates back to 1980s and that its over 100 members now, a diverse and dynamic group, all committed to ensuring greater understanding of the court system. The organization's greatest strength is the collective wisdom, talents and expertise of its members, a collegial group who support each other and are happy to share ideas and insights.



Ukrainian delegation with the CCPIO President Leah Gurowitz at the Conference of Court Public Information Officers, Cleveland, Ohio, U.S., August 5, 2019.

CRISIS COMMUNICATIONS AND HIGH-PROFILE TRIALS

Judge *Anthony Cappizzi*, of Dayton, focused on a topic of media coverage of threats that judges receive, sharing his personal experience that he and his family were threatened through social media posts by two defendants in a case about shop robbery that he was considering. Both have been formally charged in a threat made against a judge but were sentenced to probation. In the situation of threat, judges are advised: not to let their guards down; not to open doors unless they know who is on the other side; to take different routes between home, work, and other frequent destinations; not to post on social media about where they are (on vacation, conferences, etc.).

Geoff Fattah, Communications Director for the Utah State Courts, talked about bomb threats. He mentioned that each court should have a plan of action in case of this particular crisis situation, including mine clearance. When it happened a number of times in his court, he used all possible channels of communication, including social media, and his advice is that court administrator should be involved in police action in order to coordinate the actions of court employees and provide the updated information to the public about the situation.

Jesse Rutledge, Vice President of External Affairs at the National Center for State Courts, discussed disinformation campaigns targeting the courts. Nowadays tendency: growing threat of digital forgeries (official-looking documents and websites) and deep

fakes (realistic fake photos and videos pose exponentially greater risk of truth decay). Public is less attuned to or able to commit time to sort fact from fiction. Specific possible threats to the justice system are: coordinated campaigns attacking the legitimacy of controversial/polarizing decisions (claims of bias/fraud, phony or tampered evidence, corrupt jury deliberations), circulation of fraudulent court decisions to sow confusion, personal attacks on judges, deep fakes. To counteract these negative tendencies in information landscape, he suggests courts to educate the public about how they function as well as partner with other organization in time of disinformation campaigns who will support courts and redress the balance of opinions.

Managing director in Dix & Eaton’s media relations group, *Amy McGahan*, reiterated the idea that courts should communicate in crisis because if they do not, someone else will. When courts respond “no comment” to the media, it is often interpreted by the public as “probably guilty”. The aim of courts communications in crisis is to show to the public that they take the issue seriously and act to defuse a conflict and protect courts’ reputation. In crisis situations, courts have to be seen as part of the solution – whether or not the issue is their fault. Effective crisis management will protect court’s reputation, preserve relationships with partner organizations, retain employees, reassure the community, positively influence media coverage, shorten the duration of a crisis.

Kathryn Dolan, Chief Public Information officer for the Indiana Supreme Court, focused on how courts should respond to unwarranted criticism. Thus, she mentioned that several organizations have statements regarding the responsibility of the legal profession to respond to unfair criticism, including: American Board of Trial Advocates, American College of Trial Lawyers, and most state bar associations. She also gave an example about Nebraskans for Fair and Impartial Courts (NFIC) Committee, which purpose statement contains “exists to publicly respond when our system of justice is challenged by unfair criticism, of its constitutionally delegated responsibilities, or which serves to inappropriately undermine its integrity, impartiality or fairness”. Organized through the Bar Foundation with no involvement by the Court. The Committee of lawyers is given the sanction and support of the judges to proceed with whatever response is deemed appropriate. Co-chaired by two lawyers (retired) who sign responses with unnamed committee members to assist in writing responses.

Judge *Rosemarie Aquilina* of the 30th Circuit Court of Michigan, paid attention that in a high-profile trial the role of the court PIO is crucial in order for the trial to go smooth. Thus, the PIO should plan logistics (parking, security, perp walk), build relationships and regular communicate with the presiding judge, court administrator, county commissioner, local police, news media, manage media relations (create designated webpage, manage media parking, communicate regularly, credentialing). The presiding



Judge Rosemarie Aquilina, 30th Circuit Court of Michigan, sharing best practices in managing high-profile trials, Cleveland, Ohio,U.S., August 6, 2019.

judge can also issue a decorum order that will clarify rules for audio-, video-recording, possibility of broadcasting, number of reserved seats in the courtroom, power outlets and other details. *Kim Bathgate*, Assistant Director of Communications at the Administrative Office of Pennsylvania Courts, and *Rhonda Stearley Hebert*, Manager of Communications for the Connecticut Judicial Branch, advised to develop a plan for distributing documents, exhibits, audio and anything else that may be publicly available because if media can have it, they'll want it – fast, as well as use CCPIO to network for best practices <https://www.ncsc.org/hpc>

MEDIA RELATIONS

Cuyahoga County Court of Common Pleas Community Administrative and Presiding Judge *John J. Russo*, shared his experience in allowing journalists “*to observe, sit, listen and hear*” in the court for two years to create “[Serial](#)”, an investigative journalism podcast hosted by Sarah Koenig, narrating a nonfiction story over multiple episodes. Season 3, debuted in 2018, explores cases within the Justice Center Complex in Cleveland area, an analysis of the normal operation of the American criminal justice system, as opposed to the previous two seasons, which followed “extraordinary” cases. Judge Russo mentioned that he agreed on this project because transparency is very important in terms of public trust to courts, although it was rather difficult to agree on it with other judges, and journalists are great storytellers, they can do this job better than courts and thus, the public will know more about his court, the largest court in Ohio. Cleveland-Marshall College of Law Professor *Jonathan Witmer-Rich* uses this podcast to teach students criminal procedure.

Doris Burke, Research Reporter at ProPublica, focused on how courts can cooperate with investigative journalists as they need assistance of courts to understand the court system structure and departments, access court filing datasets and filings not online, access the courtrooms. She mentioned that journalists find stories by looking at cases filed in a specific jurisdiction. Example: nonprofit hospital that makes millions, owns a collection agency and relentlessly sues the poor, bringing several thousands of lawsuits for unpaid medical bills in the last 5 years..

SOCIAL MEDIA

Craig Waters, Director of the Florida Supreme Court’s Office of Public Information, spoke on how courts can effectively use social media channels to talk to their audiences on the important issues. He advised PIOs to regularly listen to social media, identify problems or trends affecting court’s reputation, public trust and confidence and develop responses. Example: social media posts said that the candidate for the seat in the Supreme Court was a poor choice because he has never been a judge before. To minimize the backlash, the PIO published a post when the announcement was made, which emphasized the large number of notable past Justices who had never been judges before.

Liza-Bart Dolan, Associate Manager of Politics and Government at Facebook, mentioned that Facebook algorithms are constantly changing, and courts should not engage in trying to fit those algorithms. The way to success is that if you generate a unique and interesting content that audience likes, shares and comments on, Facebook will more broadly disseminate it, and thus courts will cover larger audiences.

Mary Ann Price, Court Information Officer for Nevada’s Eighth Judicial District Court, shared her ideas on how to effectively manage social media. When developing a content for court website or social media platform, courts should make it in a form of a story as stories build interest and generate emotions, and be as creative and provocative as reasonably possible. Another important tool to succeed is adding a great imagery to the story as it is no less important than a great content. Courts should also try to build relationships with partner organizations by showing appreciation; doing what they can to make the media’s job easier; developing partnerships with nonprofits to leverage resources and create effective collaborations. In terms of information campaigns, the court should answer the following questions: What do we want to achieve? Who do we want to reach? How do we want to be perceived? What do we want our identity to be? How will we measure our success? It is also important to ensure that printed materials and online channels marry as well as do court’s Facebook, Twitter and Instagram accounts. They have to look like they belong to the same organization.

VISUAL COMMUNICATIONS

Lindsey Borschel, Creative Services Manager at the Indiana Supreme Court, *Gretchen Smith*, graphic designer for the Administrative Office of Pennsylvania Courts, and *Kelley Hynds*, President and executive producer of Hyndsight Productions in Cleveland focused on how important nowadays for courts is to visualize their message.

Speakers reiterated that visualization is equally important for effective communications as the content itself. That is why, court PIOs should develop their graphic design skills to make court content visually appealing to wide audience. When working with the visual part of the content, PIOs should think about *hierarchy* of the information they plan to put on a page; carefully choose *type*, which should be clear, readable and appropriate to the content; *color* that has a powerful influence on mood, attention and identity; color grabs attention on a crowded page; *white space* highlights what matters; your audience will read more of your content if there is less on your page; if the rest of the page is crowded, your eye will go to where there is an open space as letters need room to breathe; use *contrast* to make accents; *texture* adds depth and personality; *scale* can highlight size.

When courts are developing a video, their PIOs should ask themselves “how do we want people to feel after watching it?” The right effect of the video is: people see it – it makes them feel something – it gives them a fuel to change for the better, as well as when creating a video, we should remember that people do not buy *what* we do, they buy *why* we do it.

EDUCATION

Lorri Montgomery, Director of Communications for the National Center for State Courts; *Beth Riggert*, Communications Counsel for the Supreme Court of Missouri; Nebraska Supreme Court PIO *Janet Bancroft*, focused on the importance of educational activities of courts aimed at raising awareness of youth about courts system. Interacting directly with a judge in a more informal setting humanize judges and teach students to trust their courts.

Based on the experience of conducting such classes, they use the following tips: say something interesting and unusual in the beginning to get children’s attention; use visuals – as proved by research after 72 hours, we retain: 10% without a visual, 65% with a visual; use storytelling as it generates emotions and an emotional response makes stronger memories; help kids reach a conclusion; take a break every 5-7 minutes.

U.S. Courts often use 3 approaches to engage with children and students:

Inviting students to the courthouse. The Supreme Court of Missouri holds up to 21 thousand of visitors per year. Student groups, who visit the Nebraska Supreme Court, are given pencils and a quiz. Each question in a quiz relates to an element in the building that can be used as a springboard to explain the court system, with questions and answers focusing on elements in the Supreme Court chamber as well as the lawyers room. This is called “Scavenger Hunt”.

Bringing the courthouse into the school. For example, the Supreme Court of Nebraska for over 30 years has traveled annually to each of Nebraska’s law schools for the purpose of making the Court’s business accessible to students on their campuses. Justices spend time after argument sessions talking to students about the appellate process and career opportunities as lawyers. Cases are selected to demonstrate the variety of legal arguments that face the court system on a regular basis. Usually school argument sessions are linked to Law Day and Constitution Day.

Making Judges into the teachers. No age is too young. Judges speak with preschoolers about U.S. history events or founding fathers, for example Abraham Lincoln on Lincoln’s birthday. Judges and lawyers organize Mock trial competition for students and coach them before. Judges promoting civic education. For example, Colorado’s Judicial Speaking (see <http://www.judiciallyspeaking.net/home-1.html>) founded by Judge David Prince and two other Colorado Springs judges. Now includes judges from throughout Colorado’s judicial branch. Presentations designed for high school students but can be modified. This program won the 2015 Sandra Day O’Connor Award.

The speaker-judge Ms. Alifanova, Khmilnyk city district court of Vinnytsia Oblast, Ukraine, shared experience of her court in conducting popular with students education activities such as debate tournaments, mock trials, quests, and courtroom tours aimed at strengthening relationships between the court and the community and assisting students to determine their future profession as working in the court.



Poster for children about how the court works, developed by Nebraska courts and presented at the CPIO Conference, Cleveland, Ohio, U.S., August 7, 2019.

The Head of the Press-Center of the Judiciary under High-Council of Justice, Ukraine, Ms. Lysenko talked about the educational game for children “Life of Criminal Proceeding”, developed by a judge from a local court in Poltava region, that became a “magnet” for kids in this court, as well as about public lectures conducted by judges for law school students and general public on the topics, interesting to them. Ms. Lysenko spoke also about Kyiv School of Judicial Journalism that was founded by the sixth administrative court of appeal aimed at educating journalists on how to highlight court cases in an interesting to the public way and not violating the presumption of innocence and rights of parties to the case.

Legal Advisor of the USAID New Justice Program Ms. Pashynna added to the topic by sharing New Justice’s experience in designing and implementing a project aimed at conducting a nation-wide series of interactive classes in elementary schools to familiarize children with the idea of justice and the mission of the court. For this purpose, a series of short dynamic cartoons about disputes between forest animals were produced as well as a teaching guide with an engaging lesson scenario using these cartoons. Judges and lawyers conducted more than 500 lessons in schools throughout Ukraine with more than 30,000 children-participants. The presentation of Ukrainian delegation is [here](#).



Ukrainian delegation presenting at the conference on the courts’ projects aimed to educate public about the court system and the Rule of Law, Cleveland, Ohio, U.S., August 7, 2019.

Ed Miller, Director of Information at the Ohio Supreme Court, mentioned that their court, as a strong proponent of law and citizenship education, has developed four-day high school course available on court’s web site as a part of civic education. The course is based on two cases and includes opinion stories, oral argument videos, and teachers’ guide. The course is being taught by local teachers, attorneys and judges.

LESSONS LEARNED AND BEST PRACTICES

The conference provided a unique opportunity to collect lessons learned and best practices that can be applied to improve court communications with the public and media in Ukraine. These can be summarized as follows:

- Each court has to develop its Communications Strategy, including Social Media & Crisis Communications Guides, to educate and train all judges and court employees how to use them in their daily work. Everyone should be involved in this process, as communication of the court with public starts at the entrance of the building with the security guard.
- Court PIO should act pro-actively in communications, not waiting that media will highlight the court news. For this, court PIO should know the local and national media, their journalists, their style of news coverage, and build constructive relationships with them by providing them with good quality press-releases about the case and answering to their inquiries as fast as possible as journalists are working in strict deadlines.
- In crisis situations, the court should try to speak first and form the message. When court is reacting to what has been already said in the media, it often looks like a justification.
- When there is a crisis situation, courts should look at the situation from the public perspective, not as a branch of power, and start the dialogue with the notion that court takes this matter serious and shares the same values as the community.
- In high-profile trials courts should give as much information about the case and as much in advance as possible. Planning logistics for high-profile trials, court PIO should involve all relevant players, including the presiding judge, court registry employees, court security.
- Involve the whole justice system working together to sound as a single voice. Leaders in the judiciary, who have authority and public trust, should regularly speak with the media on the issues that affect the whole judiciary or community.
- Communications is not that much about the message itself as about if that message was heard and understood by those whom it was addressed. That is why courts should use a storytelling as a powerful tool to deliver their message. Facts speak, but stories are heard, as they touch people's emotions. And, thus stories will transmit courts' message more effectively. And for this purpose, courts should visualize their message where it is applicable as one picture or a short video is worth of thousands of words. Courts can cooperate

with journalists, NGOs, law schools to make their role in the community more visible.

- Court serves to the community and cannot be aside of the major events that are taking place there. Courts should plan interesting projects for these dates and/or involve their speaker-judges to tell about the new services and initiatives in their courts as well as legal issues that are interesting to people during such events.
- It is important to encourage the professional development of the court public information officers through forming their professional association to share knowledge and experience between courts, ensure the establishment of good working practices, and to help courts meet the challenges they meet in nowadays communications with the public and media.

CONCLUSION

As noted in session discussions at the conference outlined above, improving court communications can increase outreach by the judiciary to the public and press (ER 2.1.3) and accessibility of court services (ER 3.1.3.). In addition, regular and planned communications of the court with media and with the public through online platforms or during community events can increase awareness among citizens of the right to and limitations of judicial transparency in courtroom proceeding and judicial governance (ER 2.1.1), as well as increase public access to courtroom and judicial governance proceedings in-person, online, via tv/radio, or through archived recordings and records (ER 2.1.2). The conference provided additional insights into the benefits of strategic courts communications that can strengthen public confidence in the judiciary. Based on lessons learned and best practices identified at the event, a number of action items to advance courts outreach in Ukraine are included in Annex A.

Communications cannot solve the problem if courts do not do the right thing at the first place, in other words, if there are faults in the justice system. However, they can enhance what the court is already doing right, get across court's position more widely and mitigate reputation damage when facing challenges. Often courts communications fail due to a lack of planning, strategic approach, leadership, training, unity within the justice system and awareness of all court employees about the crucial role that effective communications play nowadays. If these factors are addressed from the very beginning, the situation with the level of public trust to courts can significantly improve. This should ensure that utilization of New Justice resources will meet primary project objectives – increased accountability and transparency of the judiciary to citizens and the rule of law (Objective 2).

ANNEX A. ACTION PLAN

ACTION PLAN FOR IMPROVING COURT COMMUNICATIONS IN UKRAINE

| ACTION ITEM | TIMEFRAME |
|---|-------------------------------|
| Translate into Ukrainian and broadly disseminate report on the Conference of Court Public Information Officers to Ukrainian stakeholders, including the High Council of Justice and Council of Judges. | October 2019 |
| Incorporate lessons learned and best practices in courts communications in updating relevant articles of <i>Code of Judicial Ethics</i> , developing <i>Social Media and Crisis Communications Guides</i> for judges and court employees, updating <i>job descriptions for court press-officers, judges-speakers, chief of staff and chief judges</i> in terms of communications to clearly differentiate their duties in this respect. | October 2019 – February 2020 |
| Engage international experts identified at the Conference to provide guidance to Ukrainian stakeholders in founding Professional Association of Court Public information Officers, which is also an initiative of the Press-Center of the Judiciary, operating under High Council of Judges. | November 2019 to March 2020 |
| Use results of the conference in developing and designing standard for all courts content for information boards through a grant project, implemented by the NGO Centre for Democracy and Rule of Law with the USAID New Justice Program and Council of Judges support. | October 2019 to February 2020 |