

STATE OF MINNESOTA

AUG - 9 2006

IN SUPREME COURT

FILED

C4-85-1848

C3-90-2360

ORDER REGARDING ACCESSIBILITY TO FOURTH JUDICIAL DISTRICT
PERFORMANCE DEVELOPMENT PROGRAM

The Fourth Judicial District as part of its performance development program is conducting assessments of the judges of the district. The assessments involve surveying attorneys and court personnel regarding a judge's relationship with employees, judicial demeanor, time management and communication skills, and reporting the results to the judge. Personnel records of both the judicial and executive branches are not accessible to the public pursuant to Rule 5, subdivision 1, of the Rules of Public Access to Records of the Judicial Branch and Minn.Stat. § 13.43. The integrity and success of the assessment also require that the identities of individuals responding to the survey are not accessible to the court personnel being assessed. Judges participating in this program must agree not to disclose the results of the assessment.

NOW, THEREFORE, pursuant to Rule 5, subdivisions 1 and 14(c), of the Rules of Public Access to Records of the Judicial Branch, and by virtue of and under the inherent and statutory authority of the Minnesota Supreme Court to regulate access to records maintained by the judicial branch, IT IS HEREBY ORDERED that the following provisions apply to information collected, created, received, maintained, or disseminated by the Fourth Judicial District as part of the performance development program, including questionnaires and reports (collectively referred to herein as "Performance Development Records"):

1. Performance Development Records shall not be accessible to the public and shall not be subject to discovery in any proceeding; *provided, however*, that:
 - a. subject to paragraph 2 of this order, information regarding an individual being assessed shall be accessible to that individual, his or her selected facilitator, and to the staff of the Fourth Judicial District Research Unit for the purpose of processing individual judicial assessment reports and district summary reports; and

- b. summary information that does not identify any of the participants and from which neither their identities nor any other characteristic that could uniquely identify any participant, may be made accessible to court personnel at the discretion of the Chief Judge of the Fourth Judicial District.
2. Information in Performance Development Records identifying any participant or person responding to the survey or from which the identity of any such person or any other characteristic that could uniquely identify any such person is ascertainable shall not be disclosed to any individual being assessed.
3. The Chief Judge of the Fourth Judicial District shall implement appropriate safeguards, including but not limited to destruction of the completed survey response forms, to ensure the confidentiality provided by this order. While judges may disclose that they have participated in the program, all participants including judges, facilitators, and Fourth Judicial District Research Unit staff shall not disclose the results of any assessment done under this Performance Development Program except as otherwise provided in section 1 of this order.
4. The January 11, 1996, and August 4, 1997, orders of this Court are superseded to the extent inconsistent with this order.

Dated: *August 28, 2006*

BY THE COURT:



Russell A. Anderson
Chief Justice