

AUG 8 1997

FILED

STATE OF MINNESOTA

IN SUPREME COURT

C4-85-1848

C3-90-2360

ORDER REGARDING ACCESSIBILITY TO FOURTH JUDICIAL DISTRICT
PERFORMANCE DEVELOPMENT PROGRAM

WHEREAS, the Fourth Judicial District as part of its performance development program is conducting an evaluation of the judges of the district, which involves surveying attorneys and court personnel regarding a judge's relationship with employees, judicial demeanor, time management and communication skills, and reporting the results of the survey to the judge; and

WHEREAS, personnel records of both the judicial and executive branches are inaccessible to the public pursuant to Rule 5, subdivision 1, of the Rules of Public Access to Records of the Judicial Branch and Minnesota Statutes, section 13.43, respectively; and

WHEREAS, the integrity and success of the evaluation also requires that the identity of individuals responding to the survey be inaccessible to the court personnel being evaluated;

NOW, THEREFORE, pursuant to Rule 5, subdivisions 1 and 13(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 be inaccessible 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 evaluated shall be accessible to that individual; and
- b. 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 is ascertainable, may be made accessible to court personnel at the discretion of the Chief Judge of the Fourth Judicial District.

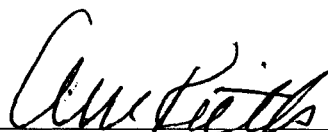
2. Information in Performance Development Records identifying any participant or person responding to the survey or from which the identity of any such person or any other characteristic that could uniquely identify any such person is ascertainable shall not be disclosed to any individual being evaluated.

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. All participants in this Performance Development Program including the individuals evaluated shall agree that they will not disclose the results of their evaluations to the media, the bar or the public.

Dated: August 4, 1997

BY THE COURT:



A. M. Keith
Chief Justice