

STATE OF MINNESOTA  
IN SUPREME COURT  
ADM10-8050 (formerly C4-85-1848)  
ADM11-8001 (formerly C3-90-2360)

OFFICE OF  
APPELLATE COURTS

JAN 13 2011

FILED

ORDER REGARDING ACCESS TO FOURTH JUDICIAL DISTRICT  
PERFORMANCE DEVELOPMENT PROGRAM INFORMATION

The Fourth Judicial District as part of its performance development program is conducting behavioral assessments of the judges of the district. The assessments involve evaluating judges' verbal and non-verbal behavior in a courtroom setting using video camera and live observation and providing professional feedback and coaching. Rule 4.02(a) of the General Rules of Practice for the District Courts permits the limited use of cameras in a courtroom setting for purposes of administration of justice. Personnel records of the judicial branch are not accessible to the public pursuant to Rule 5, subdivision 1, of the Rules of Public Access to Records of the Judicial Branch.

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,

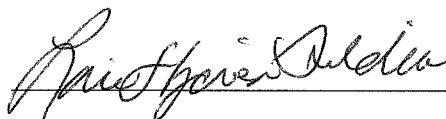
IT IS HEREBY ORDERED that the following provisions apply to recorded information that is collected, created, received, maintained, or disseminated by the Fourth Judicial District as part of the performance development program behavioral assessments, including reports and audio and video recordings (collectively referred to herein as "Behavioral Assessment Records"):

1. The Fourth Judicial District may use cameras to record courtroom proceedings for the sole purpose of evaluating judges' verbal and non-verbal behavior, provided that the video portion of such recordings may include only the judge and not other participants in the proceeding, including witnesses and jurors. Recordings made pursuant to this order constitute personnel records regarding the subject judge and are not part of the official court record of the proceeding in which they are made and shall not be disclosed except as otherwise provided in paragraph 2 of this order.
2. Behavioral Assessment Records shall be accessible only to the individual being assessed and to his or her observer and coach; such records shall not be accessible to any other participants in the proceeding recorded or to the public and shall not be subject to discovery or compelled production in any proceeding.
3. The Chief Judge of the Fourth Judicial District shall implement appropriate safeguards to ensure the confidentiality provided by this order. Judges may disclose that they have participated in the behavioral assessment, but Behavioral Assessment Records shall not be disclosed except as otherwise provided in paragraph 2 of this order.
4. The August 9, 2006, January 11, 1996, and August 4, 1997, orders of this court are superseded to the extent inconsistent with this order.
5. Notwithstanding anything to the contrary in this order, access to recordings of courtroom proceedings made by the Fourth Judicial District in the normal

course of business and not for the sole purpose of a behavioral assessment as provided in this order will continue to be subject to Rule 4, subdivision 3, of the Rules of Public Access to Records of the Judicial Branch.

Dated: January 13, 2011

BY THE COURT:

A handwritten signature in cursive script, reading "Loris S. Gildea", is written over a horizontal line.

Loris S. Gildea  
Chief Justice