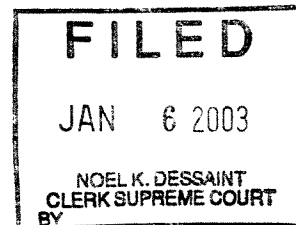


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of:)
)
NEW JUDGE ORIENTATION) Administrative Order
PILOT ASSESSMENT PROGRAM) No. 2003- 1
)
)
_____)

The New Judge Orientation program for limited jurisdiction judges is scheduled for early January. New content including practical exercises and new evaluation elements will be piloted during this program to make it as effective as possible in equipping new judges to perform their duties.

Rule 123(e)(1) establishes a general rule that employee records are confidential and provides for release of only specific information about employees. The rule does not specifically address "public officers" and it is unclear whether training records maintained by the courts concerning judges and clerks of court would be entitled to the same confidentiality as other court staff records.

The confidentiality of the education process and education records of private citizens is uniformly protected under state and federal law and policy. This confidentiality extends to work completed by students and the grades they receive. Only the degree received is a matter of public record. In the context of judicial education, there is a valid public interest in knowing that public officials and employees have complied with training requirements and even what training has been received at public expense.

The extension of the rule of confidentiality to training assessment records of judicial officers and employees is necessary to assure that an environment can be created that is conducive to education and to pilot test the new assessment system. The best education programs challenge their participants to learn skills and explore ideas that are new to them. This education process works most effectively in an atmosphere of trust that promotes candor. Participants who are concerned about public scrutiny of their statements and performance are not likely to fully engage in this process. This is likely to diminish the effectiveness of the training provided contrary to the best interest of the state.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the assessment materials and scores used as part of the 2003 New Judge Orientation program shall be maintained as confidential and shall be released only for internal processing purposes or with the approval of the Chief Justice.

IT IS FURTHER ORDERED that the confidentiality of these materials will be evaluated prior to the 2004 program and a determination made at that time whether to adopt a permanent policy regarding judicial training records.

Dated this 6th day of January, 2003.

CHARLES E. JONES
Chief Justice