

Meeting Notes

Oregon Law Commission

Municipal and Justice Courts Work Group 19 vs 138 Subgroup

September 4, 2026

I. Call to Order

In attendance: Jim Nass, Judge Mary James, Jessica Minifie, Heather Marek, Chris Perdue, Steve Arntt, Lindsey Detweiler, Judge Emily Oberdorfer, Amy Zubko, Nora Robison

The meeting was called to order, and the chair explained that the meeting was scheduled to discuss a proposal concerning ORS chapter 138, ORS chapter 19, and the handling of violation appeals. The proposal was posted in June, and a legal research aide prepared observations and comments for the work group's review. The group noted that it had discussed the topic over several months in full work group and small group meetings, and Jim Nass was invited to summarize or expand on his proposal before the group discussed stakeholder reactions and whether to continue work on the project.

II. Discussion

a. Proposal Concerning Violation Appeals Under Chapters 19 and 138

Jim Nass explained that his proposal arose from the concern that litigants in violation cases should not have to consult chapter 138 only to be directed to chapter 19 for the rules governing the appeal. He suggested that, if the relevant violation-appeal rules have value, they should be placed in chapter 19, so users do not have to move between chapter 138 and chapter 19 to determine the applicable process. He also identified a separate concern about stays, noting that chapters 19 and 138 contain different stay provisions and that the statutes in chapters 55 and 221 appear to refer to both.

The group discussed the current placement on ORS 138.057 and whether parts of that statute could be moved or cross-referenced more directly. It was noted that ORS 138.057 had been placed editorially in chapter 138 and that moving it would not necessarily conflict with legislative intent. Jessica Minifie confirmed that the provision could be moved editorially during a compilation cycle, although related references would need to be changed.

b. Scope of Possible Changes

The discussion then turned to whether the proposal should only simplify statutory routing or also address which parties may appeal which decisions in violation cases. It was stated that litigants

should have the same appeal rights regardless of whether a violation case begins in a court not of record, a court of record, or circuit court. A related concern was raised that chapters 221 and 55 describe specific appealable orders, while ORS 138.057 refers more generally to a judgment.

Concern was expressed that adding language about what may be appealed would be a larger project than simply placing violation appeals in chapter 19. Concerns were also raised about terminology that could make violation proceedings sound more criminal, and it was noted that violations occupy a different space from criminal prosecutions because they are punishable by fines rather than imprisonment. The response was that chapter 153 uses both prosecution and conviction language in some places, while it was also noted that the legal research aide's review found more frequent use of "proceeding" language in violation statutes. Jim Nass stated that he was not attached to the word "prosecution and that the central issue for him was whether appeal rights should differ based on the court in which the person was cited.

A distinction was made between giving both parties the same appeal rights from the same court and making appeal rights uniform across different types of courts. It was explained that appeals from courts not of record differ because circuit court proceedings are de novo, while appeals from courts of record proceed differently. One participant stated that, as they understood the issue, the question was not whether to expand appeals from courts not of record, but whether similar types of orders should be appealable from circuit court or from justice or municipal courts of record to the court of appeals. A question was asked about how that concern fits with case law or statutes indicating that criminal procedure applies to violations.

The group did not resolve the broader policy question during the meeting. It was summarized that, before the work group could proceed, stakeholders would need to indicate whether they had the capacity to continue working on the proposal and whether the proposal could be refined in time for the Commission's schedule.

c. Stakeholder Feedback and Narrower Alternatives

Lindsey Detweiler said OJD did not have an official position at the meeting but would continue to participate if the work group scheduled additional meetings. She suggested that a narrower approach might include small additions or cross-references to statutes identifying which orders are appealable and by which parties. Jessica Minifie noted that some statutory jumps could be eliminated by sending users directly to chapter 19 rather than first directing them through ORS 138.057.

Chris Perdue stated that the Oregon Department of Justice (DOJ) did not have much appetite for a significant deep dive, did not see many of these appeals, and did not view the issue as urgently requiring broader reform. He added that DOJ was generally agnostic about switching references

between chapter 138 and chapter 19 and had no objection to exploring the cross-reference language. Steve Arntt stated that he did not have an official position, was willing to continue participating, and did not see significant equities for his office in either direction. Judge Oberdorfer also indicated that she was willing to continue working on the issue if that was the direction the work group chose.

III. Scheduling

The work group has meetings scheduled for September 19 and October 28, and the full Commission will meet on November 20. The goal is to complete the draft language and report two weeks before the November 20 Commission meeting so the materials can be submitted for Commission consideration. Judge James said she and Amy Zubko would determine whether they could develop a schedule for further work on the proposal.