

Meeting Notes
Oregon Law Commission
Municipal and Justice Courts Work Group
August 19, 2026

I. Call to Order

In attendance: Mary James, Melissa Franz, Chris Perdue, Jim Nass, Tim Dooley, Kimberly McCullough, Charlie Conrad, Steven Todd, Hugh Duvall, Daniel Cross, Jessica Minifie, Kathryn Hill, Coline Benson, Amie Fender-Sosa, Monte Ludington, Lindsey Detweiler, Juliet Britton, Amy Zubko, Nora Robison

II. Discussion

a. Records of Abolished Local Courts

The work group first discussed records of abolished local courts following a July 29 small group meeting. Prior draft language had been circulated, and members provided feedback, including written feedback from OJD. The small group had discussed communication and consultation among OJD, cities, counties, municipal courts, and justice courts.

A new proposal was also circulated. The new proposal would add language to ORS 51.125 for justice courts and would create a parallel municipal court statute in ORS chapter 221 because no similar municipal court statute currently exists. For justice courts, the proposal would make explicit that, when a justice court is abolished, the circuit court assumes exclusive jurisdiction over the records and cases. The draft would require six months' notice to the OJD trial court administrator and would direct the county and trial court administrator to develop and implement a transfer process that promotes the continued administration of justice. The municipal court language would largely mirror the justice court language, while accounting for existing agreements with another municipality or a justice court for court services.

Members generally supported the simpler approach but noted that the small group should continue refining the language. Questions were raised about preserving the option for counties with multiple justice courts to merge courts rather than route matters directly to OJD. The group also discussed whether smaller cities would reliably report municipal court closures and whether education through OJA or other outreach could help courts understand the new requirements. The small group was expected to meet the following week, with members of the larger work group invited to attend if interested.

The group briefly discussed whether a proposal on abolished courts should address accounts receivable or fines paid after a court closes. It was suggested that statutes already address the division of fines and that older fines may be sent to the Department of Revenue when a court closes, though the issue could be explored further in the small group if needed.

b. Limitations on Municipal Appeals

The group next discussed limitations on municipal appeals and the difficulty of clarifying the existing statutory scheme. The circulated materials were intended to identify possible points of agreement and open questions from the small group, without committing members to a particular proposal. A question was raised about whether the small group had discussed prosecution appeals from acquittals or dismissals in violation cases, and the response was that the issue had not been raised.

The group discussed appeals from municipal courts to circuit courts and later appeals from circuit court to the Court of Appeals. Members distinguished between appeals involving local ordinances or charters and appeals involving state law offenses. The group also discussed whether de novo review is available when a city ordinance or charter limits appeals, especially for violations arising under local law. There appeared to be agreement that appeals from courts not of record generally proceed de novo, but questions remained about the effect of municipal appeal limits and about distinctions among misdemeanors, violations, local ordinances, and state-law offenses.

Members also discussed whether to replace references to “validity” with “constitutionality” for clarity and consistency. It was suggested that the small group may need a broader policy discussion with representatives and the League of Oregon Cities about whether appeal limitations should remain in place, be narrowed, or be eliminated for some categories of cases. It was noted that the small group should decide whether to address that broader issue, because it may go beyond the group’s original charge.

c. Chapter 19 and Chapter 138

The group then returned to the question whether violation appeals should proceed under ORS chapter 19 or chapter 138. The topic had been discussed in two small group meetings and four larger work group meetings. Members had expressed different views, including that the issue should be addressed, that it may be a solution in search of a problem, and that statutory cleanup can be valuable even without a high case volume.

The group discussed three options: a proposal circulated on June 10, a draft amendment to ORS 19.205 as a roadmap provision or leaving the law unchanged. Under current law, appeals in

violation cases from circuit court or from municipal or justice courts of record to the Court of Appeal proceed under chapter 19. But that rule appears in ORS 138.057 rather than in chapter 19. The initial proposal would have treated violations more like misdemeanors under chapter 138, but small group feedback led to a narrower proposal for limited amendments to chapter 19 addressing the unique nature of violations. One more small group meeting was requested to consider whether amending chapter 19 would be a reasonable way to resolve ambiguities in current law.

The draft amendment to ORS 19.205 would confirm that violations are appealable under chapter 19, subject to ORS 138.057, but would not resolve the broader ambiguities identified during discussion. A concern was raised that violation counts may accompany misdemeanor cases and that using different appeal procedures could complicate related appeals. It was noted that many small group members had previously indicated limited bandwidth or limited interest in a broader overhaul, but there was no objection to one more small group meeting if participants wanted to meet. The group was asked to make a decision at the next meeting so the issue would not continue to burden members and staff.

III. Scheduling

The next meeting is scheduled for September 16, 2026.