

OREGON LAW COMMISSION

TO: Municipal and Justice Court Work Group

FROM: Judge Mary Mertens James, OLC Commissioner and Chair of Municipal and Justice Court Work Group

DATE: September 16, 2026

RE: Updated Work Group Topics and Schedule for 2025 - 2027 Municipal and Justice Court Work Group

At the October 23, 2025, meeting of the Municipal and Justice Court 2025 – 2027 work group, a request was made to provide additional information on the proposed topics for the work group to consider before submitting legislation for the 2027 legislative session. During the November 19, 2025 meeting the work group members discussed the various issues and questions to determine whether the group had the bandwidth and expertise to discuss the questions raised. This memo has been updated in response to that discussion.

Background

On August 8, 2025 the Oregon Law Commission approved the creation of a work group addressing open questions regarding Oregon’s municipal and justice courts and the appeals process to Oregon’s Courts. Judge Mary Mertens James agreed to chair the work group. The proposal for the current work group stemmed from the Oregon Law Commission’s work group on Municipal and Justice Courts Appeals Processes which met from 2020 to 2025. The previous work group drafted and passed House Bill 2460 (2025), a reorganization and update of Oregon law governing the appeals process from municipal and justice courts.

The chairs of the previous work group, Oregon Law Commission Commissioners Justice Rebecca Duncan and Christa Obold Eshleman, included in the OLC Report a recommendation that the Oregon Law Commission continue its work on the municipal and justice court system and identified six areas of interest.

During the OLC Program Committee meeting on July 25, 2025, Oregon Law Commission Commissioners, Rep. Kim Wallan and John DiLorenzo, both identified additional areas of interest that the workgroup may be interested in reviewing as part of this project. Commission Wallan shared her interest in the oversight of Municipal and Justice Court

Judges, specifically those judges who are not licensed attorneys. Commissioner DiLorenzo shared his interest in exploring the possibility of a municipal court in the City of Portland. The proposal was amended to include a review of these two issues as part of the project with the understanding that the two issues suggested may require a subject matter specific set of stakeholders.

In addition, the HB 2460 report indicated that “given the scope and complexity of [the bill], it is possible that issues will be identified during the implementation and application of the bill, and those issues may warrant additional legislation in the 2026 or 2027 legislative session.” At the inaugural meeting of the 2025 – 2027 work group, two additional issues were raised: transfers of cases between justice/municipal courts and circuit courts and whether local courts and circuit courts should have the authority, with respect to cases in which they have concurrent jurisdiction, to transfer cases.

Since the original meeting, the proposal for this work group to review oversight and education requirements for local court judges has been withdrawn. Further, after discussion at the November meeting, the group determined that they did not have the bandwidth or expertise to address the question of municipal courts in Portland.

Areas of Interest and Schedule

Meetings will be held on the third Wednesday of the month between 12 and 1 pm over Zoom, with the exception of February. The work group is scheduled to meet until August 2026 to discuss the areas of interest identified below. Small groups of work group members will meet to discuss proposals outside of the full group meetings. Jessica Minifie, Amy Zubko, and Nora Robison¹ will join small group meetings as available to provide staff support.

- 1) **Whether there should be a waiver process for FED undertakings in local courts that mirror circuit courts (November and December)?** The following participants have expressed interest in this issue:

- Judge Dan Cross
- Justice Justin Kidd
- Jim Nass
- Kimberly McCullough
- Lindsey Detweiler
- Kaiti Ferguson
- Justice Justin Kidd

¹ Cara Goldfarb, Jared Ramsey, and Gracie Schweitzer also participated in this work group as legal research aides.

- Anna McCormick (joined in December)
- Heather Marek

May Meeting Update: The small group met five times, most recently April 8, 2026, to discuss the possibility of creating a waiver reduction process for undertakings. Draft language was shared with the full work group for consideration at the April 15, 2026 meeting. At the April 15th meeting, the group voted to adopt the draft language shared at the meeting.

- 2) ~~Whether current service requirements on district attorneys when they are not involved in a case are sufficient without creating an additional burden (December and January)?~~ The following participants have expressed interest in this issue:

- ~~○ Monte Ludington~~
- ~~○ Kimberly McCullough~~
- ~~○ Lindsey Detweiler~~
- ~~○ Melissa Franz~~
- ~~○ Judge Greg Gilt~~
- ~~○ Judge Cross, Judge Britton, Judge Oberdofer, Judge Zemper~~

January Meeting Update: After review by Monte Ludington and consultation with ODAA, this issue is resolved without further discussion needed. If something changes, Mr. Luddington will reach out.

- 3) **Whether justice courts should have the option to become courts of record. (January and March)?** The following participants have expressed interest in this issue:

- Jim Nass
- Judge Kidd
- Judge Cross, Judge Britton, Judge Oberdofer, Judge Zemper
- Kimberly McCullough
- Lindsey Detweiler
- Tim Dooley (requested to be added in December)
- Melissa Franz (requested to be added in December)
- Chris Perdue (added in January)

January Meeting Update: A meeting was held on Monday, January 12, 2026 at noon over Zoom. The group reached broad consensus to move forward with a proposal to allow justice courts the option to become courts of record by removing the 50-mile radius

prohibition found in ORS 51.025. At the April 15, 2026 meeting, the work group voted to incorporate the removal of the 50-mile radius from ORS 51.025.

4) Whether violations appealed from the local court to the circuit court and then to the Court of Appeals should proceed under ORS Chapter 19 or Chapter 138 (April and May)? The following participants have expressed interest in this issue:

- Jim Nass
- Judge Cross, Judge Britton, Judge Oberdofer, Judge Zemper
- Heather Marek
- Melissa Franz
- Judge Greg Gill
- Kimberly McCullough
- Lindsey Detweiller
- Heather Marek
- Chris Perdue (added in January)
- Colin Reingold (added in April)

On May 6, 2026, a small group of interested stakeholders met for an introductory discussion of whether violations appealed from the local court to the circuit court and subsequently to the Court of Appeals should proceed under ORS Chapter 19 (the civil process) or ORS Chapter 138 (under the criminal process). The proposal is to move the appeals process where it is currently housed (ORS 19) to ORS Chapter 138. At the end of the meeting, the group asked OJD, OPDC, OR DOJ, and OLC to look into the practical considerations of moving the process from ORS 19 to ORS 138 for a small group discussion in June.

The small group met again on June 3, 2026. Meeting notes from that meeting were included in the June 17, 2026 materials. After discussion at the August 19, 2026 meeting, the small group met again on September 4, 2026 to discuss a proposal to move language from ORS Chapter 137 to ORS Chapter 19.

5) Whether the limitation on appeals to the Court of Appeals in the prosecution of municipal offenses are unduly restrictive (May and June)? The following participants have expressed interest in this issue:

- Jim Nass
- Judge Cross, Judge Britton, Judge Oberdofer, Judge Zemper
- Melissa Franz
- Judge Greg Gill
- Kimberly McCullough

- Lindsey Detweiller
- Monte Ludington
- Heather Merek
- Chris Perdue (added in January)
- Steve Ardt (added in May)
- Tim Dooley (added in April)
- Charlie Conrad (added in May)

The first small group discussion was held on Thursday, June 11, 2026. and the small group discussion notes can be found at the June 17, 2026 meeting materials. At the full group meeting on June 17, 2026, the group provided an overview of the conversation and expressed interest in a follow-up meeting which was held on July 6, 2026. The small group notes can be found under the July 15, 2026 meeting materials. At that meeting, group members requested additional information and legislative history from the OLC. A conceptual proposal was shared with the group at the August 19, 2026 meeting and a small group meeting was held on September 4, 2026.

6) Whether the records of abolished local courts should go to the circuit court or the city/county (June and July)? The following participants have expressed interest in this issue:

- Kimberly McCullough
- Lindsey Detweiller
- Judge Cross, Judge Britton, Judge Oberdofer, Judge Zemper
- Jim Nass
- Charlie Conrad (added in May)
- Tim Dooley (added in April)

On May 12, 2026, I reached out to the Oregon Judicial Department and the municipal and justice court judges to request that they prepare materials for a preliminary discussion regarding the records of abolished local courts.

The small group met on June 12th and the meeting notes can be found under the June 17, 2026 meeting materials. The full group met on June 17, 2026 and discussed the issue and meeting notes are available under July 15, 2026 meeting materials. In addition, meeting notes from a small group discussion held on July 7, 2026 can be found under the July 15, 2026 materials. On July 29, 2026 the small group met to review draft language from Legislative Counsel. Meeting notes from the discussion can be found under the August 19, 2026 meeting materials. Additional draft language was distributed prior to the next work group meeting which was held on August 26, 2026. The group discussed the draft language

and proposed tweaks to the draft. Another small group discussion is scheduled for September 15, 2026.

7) When and how to transfer cases between local courts and circuit courts (July and August)? The following participants have expressed interest in this issue:

- Jim Nass
- Judge Cross, Judge Britton, Judge Oberdofer, Judge Zemper
- Justice Kidd
- Criminal Defense
- Monte Ludington
- Melissa Franz
- Judge Greg Gill
- Chris Perdue (added in January)

The August meeting will be an opportunity for any additional issues that may arise.

Next Steps

If you would like to participate in any of these work groups, and are not listed above, please let me know.