

Proposal: Municipal and Justice Courts

Attn: Valerie Sasaki Chair, Oregon Law Commission

Date: July 25, 2025, 11 am

From: Amy Zubko

Location: Zoom

PROBLEM: Identify the specific issue to be studied or addressed by the Commission and explain the adverse consequences of current law. An illustration from real life might be helpful.

In 2015, when the Oregon Law Commission’s Direct Criminal Appeals Work Group first suggested that the Oregon Law Commission review the Municipal and Justice Court appeals process, they described it as “complex, perhaps bordering on labyrinthine.” This complexity created confusion for both practitioners and pro se litigants, as well as an inconsistent application of statutory processes and procedures.

Since that original recommendation was shared with the Commission, the OLC’s Municipal and Justice Appeals Process project successfully reviewed the statutory language, which it clarified, updated, and streamlined through HB 2460 (2025). During that time, participants in the work group identified a variety of areas where additional discussion and potential legislative changes may be necessary. Due to the legislative deadlines for the 2025 legislative session, a handful of areas of inquiry were identified as needing additional work which could not be addressed in HB 2460. For additional information on the specific areas, please see Section 3, Scope of the Project.

1. HISTORY OF REFORM EFFORTS: Explain past efforts to address the problem and the success or limitations of those efforts.

In February 2015, the Appellate Commissioner for the Oregon Court of Appeals requested that the Oregon Law Commission sponsor a work group to review and revise the procedural law that governs direct appeals in criminal cases. The Direct Criminal Appeals Work Group met in 2016 and 2017 and produced Senate Bill 896 (2017) and its corresponding report (<https://olis.oregonlegislature.gov/liz/2017R1/Downloads/CommitteeMeetingDocument/132306>). The work group considered the appeals process for municipal and justice courts and, thereafter, to the Court of Appeals. Although the work group determined that the statutory scheme addressing those appeals was ripe for review, analysis and reorganization, the group decided that the project should be addressed by a separate and distinct work group. As such, the Direct Criminal Appeals Work Group recommended that

the Oregon Law Commission undertake a new project to address the appeals process from municipal and justice courts. The Oregon Law Commission approved the project at the November 18, 2018, meeting.

A work group approved by the Commission for the new project began in March 2020. This work group developed language for a draft bill: Legislative Concept 156, which became House Bill 2460. The language was finalized in November 2024. The bill's primary goal was to reorganize, streamline, and clarify existing statutory provisions that govern appeals from justice and municipal courts.

House Bill 2460 was pre-session filed in December 2024 as a House Judiciary Committee bill for the 2025 Legislative Session. HB 2460 was amended in both chambers, passed through the legislative process, and was signed by the Governor on June 5, 2025.

2. SCOPE OF PROJECT: Explain what needs to be studied, evaluated or changed to fix the problem. In what form will the final product likely be? A written recommendation, rule, statute, etc.?

When this project began, the focus of the participants was on organizing the statutes that bear on appeals from justice and municipal courts. The focus then turned to the mechanics of those appeals, such as the content of Notices of Appeal, where Notices of Appeal should be filed, and service of the Notices on the adverse parties. Over the course of the last year, the work group addressed additional issues in the appeals process, such as appeals from default judgments, filing fees, the scope of review on appeal in the circuit court, the circuit court's dispositional authority, and appeals from civil cases decided by justice courts.

As discussions and drafting wrapped up, the work group identified additional issues that, in their opinion, warrant further analysis, including.

- the limitations on appeals from municipal offense convictions.
- 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.
- Forcible Entry and Detainer (FED) undertaking appeals to a circuit court.
- Treatment of records of abolished local courts.
- efficiency in service requirements on district attorneys because they are not involved in all cases; and
- the options for local courts to become courts of record.

Due to the scope and complexity of HB 2460, it is possible that additional issues will be identified during the implementation and application of the bill, and that those issues may warrant additional legislation in the 2027 legislative session.

3. TIMELINE OF PROJECT: What is the desired timeline to complete this project? If legislation is to be brought, during what legislative session would it be introduced?

Given the extensive work done to streamline and standardize Municipal and Justice Court appeals processes encapsulated in HB 2460, the expectation is that the work group will put forward legislation for the 2027 legislative session.

4. LAW COMMISSION INVOLVEMENT: Explain why the issue is a good subject for law reform of broad general interest and need (as opposed to an issue likely to be advanced by a single interest group or lobby).

Based on the work done on HB 2460, the Oregon Law Commission is the most appropriate entity to address these questions. Not only does the OLC have the institutional knowledge of the issues in question, but many of the stakeholders from the original work group have expressed interest in continuing the conversation through the OLC's work group process. Furthermore, because many of the areas identified in Section 3 have already been researched and discussed by the previous work group, the OLC has existing data and analysis.

5. PROJECT PARTICIPANTS: Identify individuals who are willing to serve on a Work Group, and a Reporter who is willing to work with the Chair of the Work Group to draft a Report and Comments. The Chair of the Work Group should be a Commissioner. The Proposal may state a preference for a chair.

A number of stakeholders who participated in the process to draft HB 2460 have indicated their continued interest in participating in this project. Potential participants include representatives from the Oregon Municipal Judges Association, Oregon Judges Association, Oregon Criminal Defense Lawyers Association, the Oregon State Bar, the Oregon Judicial Department, Oregon District Attorneys Association, the Oregon Law Center, the Oregon Department of Justice, along with practice area specific practitioners and stakeholders.