

OREGON LAW COMMISSION

TO: Municipal and Justice Court Work Group

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

DATE: November 19, 2025

RE: Proposed Work Group Topics and Schedule for 2027 Municipal and Justice Court Legislation

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.

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 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 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 about 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.

Proposed Areas of Interest and Draft Schedule

- Whether there should be a waiver process for FED undertakings in local courts that mirror circuit courts (November and December)?
- 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)?
- Whether justice courts should have the option to become courts of record. (January and March)?
- 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 (March and April)?
- Whether the limitation on appeals to the Court of Appeals in the prosecution of municipal offenses are unduly restrictive (April and May)?
- Whether the records of abolished local courts should go to the circuit court or the city/county (May and June)?
- Whether the City of Portland should have a municipal court system (June and July)?
- When and how to transfer cases between local courts and circuit courts (July and August)?

Next Steps

At our November meeting, please be prepared to discuss the following questions:

- 1) Whether this is the universe of issues that this work group has the bandwidth and knowledgebase to address.

- 2) Whether this order of topics works for work group members? For example, if you believe that the discussion of transfer for cases between local courts and circuit courts is important for your organization, but you and/or your organization will be out of the office in July and August, please let us know. If there is an area of particular interest to you, please be prepared to participate in a small group discussion of the issue and potential draft language to share with the larger group during the time period identified.