

OLC MUNI & JUSTICE COURTS WORKGROUP MEETING

NOVEMBER 19, 2025

MEETING NOTES

Attendees

Judge Mary James	Judge Juliet Britton	Judge Emily Oberdorfer
Jim Nass	Melissa Franz	Monte Ludington
Kimberely McCullough	Heather Marek	Matt Shields
Lindsey Detweiler	Judge Erin Zemper	Jessica Minifie
Amy Zubko (OLC)	Cara Goldfarb (OLC)	

Update on Topics for Workgroup to Address

- 1) Waiver Process for FED Undertakings in Local Courts that mirror Circuit Courts (Nov/Dec)
- 2) Current service requirements for District Attorneys (DA's) (Dec/Jan)
- 3) Whether justice courts should have the option of becoming courts of record involved in a case directly are sufficient without creating additional burdens (Jan/Mar)
- 4) Whether violations appealed from the Local Court to the Circuit Court and then to Court of Appeals should proceed under ORS Chapter 19 or Chapter 138 (Mar/April)
- 5) Whether limitation on appeals to the Court of Appeals in the prosecution of municipal offenses are unduly restrictive (April/May)
- 6) Whether records of abolished Local Courts should go to Circuit Court or City or County (May/June)
- 7) Whether Portland should have a municipal court (proposed by Commissioner John DeLorenzo)
- 8) When and how to transfer cases from Local Court to Circuit Court (June/July)

Withdrawn Topic: Requirements to become a municipal court judge

Takeaways from Each Topic:

Topic #2: “current service requirements for District Attorneys (DA's)” (December and January)

- Reference Points in HB2460: Sections 10 & 40. Section 10 deals with service of notice in Justice Courts and 40 for Municipal Courts.
- Similar provisions: Appealing party always has to serve the adverse party. And if case is brought in County's name, and Defendant has not already served County Attorney, case is then brought in State's name, where default is to serve DA. Could be clarified or tweaked if needed
- This particular issue was added to report in Nov 2024. Scott Healy, Legislative Chair for ODAA (Clackamas County) would have more info.
- **Next Steps:** Following up with Judge Cross and Scott Healy

Topic #3: “whether justice courts should have the option of becoming courts of record (January and March)

- Discussion of the current prohibition on Local Courts becoming Courts of Record within 50 miles of a Circuit Court
 - There is a lack of legislative history to indicate the reasoning behind this prohibition
 - It was clarified that 50-mile limitation was removed for municipal courts, yet retained for Justice Courts.
 - Covers 3 Justice Courts, none of which handle criminal matters (**Marion, Clackamas, Washington**)
- Proposal would be discretionary
- Funding Discussion
 - Municipal Courts funded by City, Justice Courts funded by County
 - Also at relevance in this topic is the costs associated with becoming a court of record (i.e. recording equipment), which County typically bears
- One issue raised, what happens with this topic could also impact appeals topic

Topic #4: Whether violations appealed from the Local Court to the Circuit Court and then to Court of Appeals should proceed under ORS Chapter 19 or Chapter 138 (Mar and April)

- Background from HB 2460. Initial decision was made to make change from Chapter 19 (appeals in civil cases) to Chapter 138 (appeals in criminal cases).
 - Rep from State Public Defenders Office was concerned that it was unclear why the Legislature originally had them go through Chapter 19, and worried cases would fall through cracks (does it have to do

something with lower evidentiary standard?). Absence of policy reasons gave the original workgroup pause to make the change without additional analysis. Result was to keep the appeals process in ORS Chapter 19 in the final version of HB 2460.

- A concern was shared that this would not just make a change for violations that originated in local courts, it would be for all violations.
- Discussion touched on the numerous conversations around appeals and default judgment, had agreed on those not being appealable; this aspect of the topic already resolved.

Topic #5: “Whether limitation on appeals to the Court of Appeals in the prosecution of municipal offenses are unduly restrictive” (April and May)

- Previous workgroup ran out of time to tackle this issue.
- Proposed discussion topic whether all violations, as opposed to violations in one court or another, and if they should be treated differently depending on where they originate
- Discussion of overlap with Topic #4

Topic #6: Whether records of abolished Local Courts should go Circuit Court or City or County (May and June)

- Group discussed historical experience with abolishment of local courts.
- OJD is interested in looking at this issue.
- Raises logistical questions about how that transfer process (re: abstracts, letters back and forth between defendants and court. Current statutory language was discussed as vague and open to interpretation.

Topic #7: Municipal Courts in the City of Portland.

- WG agreed that this is best suited as a local conversation, not within bandwidth or expertise of work group. Will not be moving forward with this issue.

Topic #8: When and how to transfer cases from Local Court to Circuit Court (June and July)

- Clarification that bill addresses moving records from local court to circuit court, but Justice Kidd brought forward that as a workflow issue, sometimes the Justice Court and Circuit Court move cases back and forth (if either overburdened)
- Appears to be working fine (i.e. in Marion County) but may lack statutory authority?

- Judge Britton's County's process: dismissal in old court and reissuance in new court (and does have statutory authority), but rare
- **Next Steps (Low Priority Topic):** Suggested that workgroup gets clarification on how process actually operates in varying counties, to see if a practice that may already be working well does need to be codified

Next Steps

- Workgroup members to let Amy know which specific topics they want to work on
- Ask to let Amy know if there are other people who need to be involved in these conversations that have not already been mentioned

FED Waiver Update (Jim) - Topic #1

- Question of whether scope should be expanded. Currently question focuses on whether there should be a waiver process for FED undertakings (costs and stay enforcement of judgment pending appeal), but Jim raised the question of whether there should be a waiver process for undertakings generally, which would include undertakings for FED cases?
- One logistical question deals with timing. In current process in circuit court, the undertaking and waiver process for civil cases going to Court of Appeals from Circuit Court, and the timeline can be quite lengthy. By contrast, appeals in civil cases from Justice Courts to Circuit Courts are on a much faster timeline (resolved w/in 30-60 days) perhaps not as much need for a waiver for the undertaking process.
- Undertaking puts burden on appellants, many of whom are low-income, pro se individuals. So another question is whether they should be faced with undertakings at all, or if undertakings should be lowered, and if so, what are the standards?
- Concern raised about timeframe: Model in place for civil cases going from Circuit Court to Court of Appeals, which could be a guide. Would not temper with statutes (timelines or procedures) that previous stakeholders worked on, rather would look into interplay between waiver motion with expedited timeframe with FED case coming out of Justice Court
- Issue raised that workgroup lacked stakeholders, such as lawyers or stakeholders that deal with small claims and attorneys representing landlords.