

OREGON LAW COMMISSION

TO: Municipal and Justice Court Work Group

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

DATE: December 17, 2025

RE: Updated 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. 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 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. Commissioner 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. 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 on 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 Cara Goldfarb 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
 - Anna McCormick
 - Heather Marek

- 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 Gill
 - Judge Cross, Judge Britton, Judge Oberdofer, Judge Zemper
- 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
- 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 (March and April)? 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
- 5) Whether the limitation on appeals to the Court of Appeals in the prosecution of municipal offenses are unduly restrictive (April and May)? 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 Mereck

- 6) Whether the records of abolished local courts should go to the circuit court or the city/county (May and June)? The following participants have expressed interest in this issue:
- Kimberly McCullough
 - Lindsey Detweiller
 - Judge Cross, Judge Britton, Judge Oberdofer, Judge Zemper
- 7) When and how to transfer cases between local courts and circuit courts (June and July)? 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

Next Steps

- 1) At or before the December meeting, please let me know if you would like to be included in any of the above groups (or removed from one of the small groups).