

Oregon Law Commission
OLC MJC Court of Record Discussion
Meeting Notes
January 12, 2026

1. Call to Order and Introduction

Attendees: Amy Zubko, Cara Goldfarb, Jim Nass, Tim Dooley, Jessica Minifie, Kimberly McCullough, Judge Juliet Britton, Judge Emily Oberdorfer, Judge Kidd

Purpose of Meeting: Hammer out details before a larger MJC discussion on January 21, including asking whether anyone else who is not currently involved in the discussion who should be, and suggesting a review Judge Kidd's proposal from 2025 legislative session.

2. Discussion on justice courts becoming a court of record. Currently, a justice court may not become a court of record if the court is located within 50 driving miles of the circuit court for the county in which the justice court is located (See HB 2766).

Judge Kidd then provided background on [HB 2766](#) (2025). The bill would have provided that county commissioners be permitted (not required) to allow justice courts to become courts of record, despite being within a 50-mile radius of a circuit court. Later, when the group had a discussion on the 50-mile limit, it was not clear where in the official record the 50-mile limit came from. Courts most likely interested in amending this rule include Marion, Clackamas, Washington, and maybe Jackson.

The proposal would be similar to how municipal courts are permitted to be courts of record if their governing bodies agree to it.

The reasons behind this proposal are that (1) courts of records are more transparent, (2) courts of record are more open to the public, and (3) in terms of judicial economy, courts of records limit the need for fully new trials, especially where no allegation or theory of legal error. The interest in this change, mentioned later when Judge Kidd shared about his own experience in Marion County, which went from three justice courts to one about 13 years ago, is to promote transparency and utilize the justice court as a tool in a healthy judicial system.

It was clarified/confirmed that the proposal would not involve allowing justice court to become courts of record if they had non-attorney judges.

The consensus of the group is that the decision to become a court of record is a county-by-county decision, this would not be a mandate.

3. Anyone who should be involved in the conversation that were not present today?

Moving forward, a rep from the AG office will be joining the discussions. The group is still working on finding a rep from the criminal defense world. Trial lawyers and District Attorneys were also suggested.

4. Potential costs and other considerations associated with a justice court becoming a court of record.

Tim Cooley from AOC shared that from the counties perspective the cost of equipment & transcription (costs associated with becoming a court of record) was identified. Similarly, if court is not currently hearing misdemeanors, would likely require more staffing, more decisions.

Judge Oberdorfer shared that when Tigard became court of record, the cost for equipment and storage and such is \$5,000/yr, and it did not require more staff (Tigard has one courtroom). Beaverton also recently went through the process of becoming a court of record.

In other lessons learned, Judge Oberdorfer mentioned it is important for courts to connect with their IT departments sooner, as switching to a court of record benefits from having a staff member with experience in the software and process. She mentioned that it is helpful to have someone who knows the equipment go over it with the court.

A question of whether there would be a technical issue with how courts enter the date of judgment and the appeals process came up, but it was discussed that because the IT systems in the various courts do not speak with each other, this would likely not be an issue.

It was also asked whether this proposal would increase the number of cases that go the Court of Appeals, something to consider for the workloads of various interested groups and costs for parties involved. Anecdotally, Judge Britton and Judge Oberdorfer both mentioned that since becoming courts of records, neither of their courts have had any appeals to the Court of appeals, while prior to they averaged 8-10 appeals in any given year. One reason for this may be the costs associated with bringing a legal argument to the Court of Appeals.

5. Discussion on potential fiscal impacts: generally, the group is not anticipating a fiscal, but more information may be needed to hash out whether or not it would be indeterminate.

Tim Dooley mentioned that in determining costs, Association of Oregon Counties would survey counties and ask, if you were to do this, what would it cost based on what you've seen in your community. From there, they would aggregate the responses and estimate cost, which would vary depending on the amount of counties that would opt-in. Because it's an optional opt-in, LFO would say indeterminate or no significant cost because it's not a mandate. LFO is required to ask for fiscal impacts, but is not required to do anything about the fiscals, but if a state agency tags something with a fiscal, then it goes to Ways and Means

Kimberly McCullough mentioned that depending on how the appeals are handled, there might be indeterminate revenue impact associated with the state from the Criminal Fines Account, and that she would double-check with her team on this item. (Whether more cases get filed in a justice court as opposed to a circuit court, or more appeals to the Court of Appeals, etc. – hard to predict impact.) Could potentially be a net savings for the state. Is not imagining that there would be anything more than minimal fiscal on this with LFO.