

Meeting Notes

Oregon Law Commission

Municipal and Justice Courts 2025–2027 Work Group

May 20, 2026

Work Group Attendees: Judge Mary Mertens James, Jim Nass, Jessica Minifie, Hugh Duvall, Heather Marek, Coline Benson, Judge Greg Gill, Kathryn Hill, Melissa Franz, Tim Dooley, Chris Perdue, Judge Emily Oberdorfer, Kimberly McCullough, and Judge Daniel Cross.

Staff Attendees: Amy Zubko and Jared Rumsey

I. Call to Order

Judge James began the meeting by welcoming new group members Hugh Duvall from the Oregon Criminal Defense Lawyers Association and Oregon Law Commission (the Commission) Legal Research Aide, Jared Rumsey. Judge James asked everyone to introduce themselves briefly.

II. Scheduling and Next Steps

Amy Zubko provided the group with a timeline update highlighting that the next full Commission meeting was rescheduled for November 20, 2026. This means the group will need to complete discussion earlier of its for remaining topics, though only three more meetings were scheduled. Amy emphasized the importance of providing the group's Legislative Counsel representative with sufficient time to draft.

Amy Zubko also proposed moving the discussion of municipal court violations appeals to the July meeting as the Oregon League of Cities would like to participate in that but is in the process

of hiring a new representative. The discussion on how to handle records of abolished courts will be moved to June. The group agreed, and Judge James suggested that small groups on both topics should happen before those meetings to allow for better discussion with the full work group. The group verified participants in the small groups. The group also decided to tentatively schedule additional meetings in September and October, the dates which Amy would determine by poll.

III. ORS Chapter 19 or Ors Chapter 138 Small Group Discussion

Judge James then led a review of the May 6, 2026 small group discussion on ORS chapters 19 and 138 as they relate (or don't, as the case may be) to the appeal of violations. The group consensus was that appeals of violations are very infrequent, perhaps around 10 per year. Kimberly McCullough reached out to the current Appellate Commissioner at the Oregon Court of Appeals and confirmed the group's consensus. She added that the Commissioner also did not notice much confusion in the process from the parties who litigated these appeals. Further details were to be discussed in the next small group on ORS chapters 19 and 138.

Judge James provided the following additional issues identified by the small group:

- some aspects of chapter 138 (mostly criminal matters) do not apply to violations, nor are all issues of violations covered;
- the same is true of chapter 19;
- potential collateral consequences of changing the current system;
- whether the defendant has a right to jury trial in violation cases;
- community development and nuisance violations;
- civil forfeiture;
- municipal traffic violations;
- whether there is harm in not implementing the proposed change (moving all violations appeals to be handled under chapter 138);

- identifying the problems the proposed change purports to fix within the statutes
- identifying specific examples of those problems to provide motivation for the Legislature to implement the change
- the need for more research from group members on the practical differences of handling violations through chapter 19 as opposed to chapter 138; and
- operational challenges for the courts in implementing the proposed change.

Prior to this full group meeting, a memo was sent to the group regarding how violations are not included in the types of judgments mentioned in ORS chapter 18. The group wondered if reviewing this memo should wait for the small group meeting to begin discussion.

As an overview, ORS 138.057 makes violations appealable under ORS chapter 19. However, HB 2646 (enacted as chapter 576 of the 2003 Oregon Laws) modified ORS chapter 19 to cover limited, general, and supplemental judgments, which do not include violations, thus making violations no longer appealable as of the effective date of that modification. It was proposed that because of this change and the perceived similarities between violations and the mostly criminal cases covered in ORS chapter 138, the group should work to have all violations appealable under chapter 138. Some group members wondered if this was truly an issue given that violations were still successfully being appealed, and there were so few of them anyway, but if it were a problem it needed to be discussed further given that neither chapter 19 nor 138 perfectly fit with violations. For example, there is no sentencing or probation for violations, but those matters are handled in chapter 138. An alternative reading of the law is that ORS 19.205 is simply a non-exclusive list of matters appealable under chapter 19. Since ORS 138.057 and 153.121 explicitly provide for appeal of violations under Chapter 19, perhaps this is a non-issue. It was also suggested that chapter 19 could perhaps be modified slightly to clarify that violations are handled under its procedures.

Ultimately, the group realized more discussion was needed. Judge James suggested developing a thorough list of the pros and cons of adopting or not adopting the proposed change from the perspective of litigants, attorneys, and the courts. Melissa Franz reminded the group that statutes are not the only form of law, and there is case law (e.g. *City of Lowell v Wilson*, 197 Or App 291) on this matter.

The group wondered if this was an entirely new topic for a different work group as this group's focus was simply to be on the process of appeals not on what matters are appealable. Judge James closed by emphasizing practicality needed to be at the forefront of the group's mind as well as the "why" behind any of the proposals in order to persuade legislators to adopt them.

IV. Scheduling

The work group's next meeting is scheduled for June 17, 2026. Amy Zubko reminded the group that she will send out a poll to determine tentative dates for September and October meetings. She also offered to provide copies of cases mentioned in full group and small group discussions to benefit those who may not have immediate access to them.