

Meeting Notes

Oregon Law Commission

Municipal and Justice Courts Work Group – Abolished Local Courts Subgroup

July 7, 2026

I. Call to Order

In Attendance: Juliet Britton, Jessica Minifie, Tim Dooley, Daniel Cross, Kimberly McCullough, Lindsey Detweiler, Charlie Conrad, Emily Oberdorfer, Amy Zubko, Nora Robison

The subgroup met to discuss records and jurisdiction issues involving courts that have been closed or abolished.

II. Discussion

a. Legislative History Research

The group began by reviewing legislative history research related to statutes governing judicial services, court records, and the transfer or winding down of local court functions. The research included ORS 51.037, which concerns agreements between a city and county for judicial services, and bills addressing whether a person could hold two judicial offices at once, bail bonds, and justice-system revenue. Staff noted that work on the 2011 justice system revenue legislation was still ongoing due to the bill's size and complexity.

The group also discussed ORS 51.125 and related prior language in ORS 51.130, which pertained to the transition from district courts to circuit courts and included removing language referring to the county clerk in the county where the justice court was located. Questions were raised about the earlier function of district courts, the later unified court system, and whether the county-clerk language may have reflected a prior court structure.

The group then reviewed legislative history related to ORS 221.357, which addressed municipal courts and was connected to testimony from the City of Bend regarding the transfer of municipal court functions to the Deschutes County Circuit Court. That history included a question about why justice courts should not follow the same process, with discussion at the time identifying possible opposition from justice courts and geographic concerns.

b. Records, Cases, and Jurisdiction After a Justice Court Closes

The group discussed whether transferring records to the circuit court also transfers the case or gives the circuit court authority to act in later matters arising from the case. One view was that, because circuit courts and justice courts have concurrent jurisdiction over matters within justice court jurisdiction, a circuit court receiving the records could address later issues such as traffic judgments, small claims judgments, collections, or expungement-related matters. Questions were raised about whether the statute, as written, transfers only records rather than cases, and whether explicit statutory authority would be preferable for the Oregon Judicial Department (OJD) and the circuit courts.

The group discussed past justice court closures or mergers and whether those examples involved counties that still had another justice court available. It was suggested that much of the historical practice may have occurred out of necessity rather than under a clear statute directly addressing each step of the process.

One possible approach would be to add language stating that, when records are transferred to the clerk of the circuit court, the circuit court may exercise its concurrent jurisdiction over matters arising from those cases. That approach was described as a way to make explicit what some members understood to be implicit in the current statute.

c. Planning Process, Resource Concerns, and Local Control

The group discussed whether a statute should require a local plan when a justice court or municipal court closes. Members discussed whether a plan could identify where records would go, which court would have jurisdiction, how pending and later-arising matters would be handled, and how the transition would occur. It was suggested that a planning process could allow the county, local court, circuit court, and OJD to address records, technology, timing, and resource issues before a transfer occurs.

The group discussed the possibility that courts often wind down over time rather than close abruptly. Municipal courts were identified as more likely to close abruptly because most municipal judges are appointed, whereas justice courts have elected justices of the peace serving six-year terms. At the same time, members noted that later issues can arise years after a court stops taking new cases, including cases in collections or matters requiring a judicial signature.

The group also discussed whether an agreement-based model would be sufficient if a county or receiving court did not agree to take jurisdiction or records. There was discussion of whether the circuit court would need to serve as a statutory backstop if no agreement or plan were reached. Resource concerns were raised about circuit courts receiving additional cases or records without additional legislative funding or staffing.

The group also discussed local-control concerns and geographic considerations. Members noted that law enforcement may be able to choose between filing some matters in circuit court or justice court, but that filing decisions may be affected by local practice, prosecutorial resources, code-enforcement needs, and the distribution of fines.

d. Possible Drafting Approaches

Two possible drafting approaches were identified. One approach would make explicit that, when justice court records are transferred to the circuit court, the circuit court may exercise concurrent jurisdiction over matters arising from those cases. A second approach would create a broader planning process that could involve the circuit court, another justice court, or a municipal court, with further discussion needed about whether the circuit court should be the default if no plan is created.

No final consensus was reached on which approach to recommend. Concerns were raised that a broader agreement or plan requirement could be too complicated for justice courts, while OJD representatives expressed concerns about a proposal that would simply transfer cases to the circuit court without addressing process and resources. Members agreed that additional drafting and internal follow-up would help clarify the options before further work group discussion.

III. Scheduling

The next full work group meeting was identified as July 15. The group requested additional time to talk internally before a full conversation at the July 15, 2026 meeting with a proposal to discuss the issue at the August meeting.

Jessica Minifie will begin preparing draft language or options addressing the possible planning process and jurisdiction-transfer language, and Kimberly McCullough and Lindsey Detweiler will follow up internally regarding OJD's resource and process concerns.