

Meeting Notes
Oregon Law Commission
Municipal and Justice Courts Work Group
Abolished Local Courts Subgroup
July 29, 2026

I. Call to Order

In attendance: Lindsey Detweiler, Daniel Cross, Jessica Minifie, Emily Oberdorfer, Tim Dooley, Charlie Conrad, Amy Zubko, Nora Robison.

II. Discussion

At the beginning of Jessica Minifie's walk-through, she explained several early drafting choices for the abolished local courts proposal. The draft treated the city or county governing body as the entity responsible for entering into any agreement to transfer records or continue judicial services. Jessica also noted that neither the justice court chapter nor the municipal court chapter had a clear statutory series where the new language would naturally fit. Her draft would require every justice and municipal court to develop a plan, while OJD's proposed revisions took a different approach.

Jessica Minifie then continued walking through her work draft, which addressed the transfer of case records and continued judicial services if a justice or municipal court ceases to operate. The draft placed responsibility on counties for justice court plans and on cities for municipal court plans, required consultation with affected court officials, identified possible receiving courts, required periodic review, and provided a default rule if no plan existed. The draft also included a conforming amendment to current law requiring a justice court to turn over case records to the circuit court clerk when the justice court is abolished.

Lindsey Detweiler reviewed OJD's suggested revisions, noting that the draft had not yet completed OJD's internal approval process. OJD's draft would require a plan only when a justice or municipal court is actually going to be abolished, rather than requiring every local court to adopt a plan in advance. OJD also suggested referring to the transfer of both cases and case records, because prior discussions had focused on the need to transfer jurisdiction over cases, not only physical or electronic records. OJD preferred consultation with the State Court Administrator, rather than an agreement with the State Court Administrator, when cases would transfer to circuit court because circuit court would be the default receiving court in any event.

The work group discussed whether the proposed framework is necessary for justice courts. Concerns were raised that a justice court generally could not transfer many categories of cases to a municipal court because municipal courts do not have jurisdiction over eviction cases, small claims cases, or traffic violations occurring outside the city's boundaries. There was also concern that allowing a municipal court to receive and resolve transferred justice court cases could be a significant change in jurisdictional law. The group discussed that closed cases may still require later judicial action, including judgment renewal, assignment of judgments, and traffic matters involving license suspensions.

The work group also discussed how the proposal may be perceived by justice courts. It was suggested that a broader statutory framework using the word "abolish" could revive concerns among justice courts that the legislature may intend to eliminate them, even if that is not the practical effect or purpose of the proposal. Other members noted that a planning requirement could protect local courts by requiring advance work before a court is closed and by preventing a sudden transfer of unresolved case-management issues to another court. Possible ways to address those concerns included using "ceases to operate" rather than "abolished" and adding legislative findings recognizing the value of local courts and the rarity of local courts ceasing operations.

For municipal courts, it was emphasized that cities should have flexibility to transfer cases or services to the court that makes the most practical sense, with access to courts and geography as important considerations. The group discussed whether municipal court transfers should be limited by county boundaries or whether cities should be able to work with another city when that arrangement provides better access. Questions were also raised about the distinction between one city providing judicial services for another city under an intergovernmental agreement and the transfer of cases after a municipal court ceases to operate. The group noted that municipal code cases may raise additional jurisdictional issues because those provisions are specific to the municipality that enacted them.

The work group considered a more limited approach to justice court provisions. One option discussed was to place the relevant language within ORS 51.125, rather than creating a larger new framework, and to add more specific direction about consultation and transfer when a justice court is abolished. OJD expressed support for retaining some planning components because they would provide notice, create an opportunity for consultation, and help the receiving court prepare for the transfer. The group also discussed whether a "shall adopt a plan" requirement could be difficult if the affected entities cannot agree, and whether a consultation requirement may be more workable.

Timing was also discussed. The 60-day period in OJD's draft may be too short given technology, data transfer, and court transition needs. A 180-day consultation period was suggested as a more practical timeframe. From a county perspective, the preferred approach was to avoid requiring

every court to plan in advance and instead require consultation when a county or city is actually considering abolishing a local court. It was also suggested that consultation should include city leadership or administration, not only the municipal judge, when a municipal court is involved.

III. Scheduling

No separate follow-up meeting was scheduled for this topic. The next full work group meeting is scheduled for August 19. The group discussed waiting for another draft or framework before deciding whether a broader follow-up conversation is needed.

Judge Cross agreed to prepare a proposed framework by the end of the following week by working from existing statute, Jessica Minifie's draft, and the OJD materials. Amy Zubko offered to circulate the proposal to the subgroup.

IV. Open Questions

- Whether the proposal should require adoption of a plan or only consultation before a justice court ceases to operate.
- Whether justice court language should be placed within ORS 51.125 rather than in a broader new framework.
- Whether municipal courts should be potential receiving courts for justice court cases.
- Whether transfers to municipal courts require additional jurisdictional language.
- Whether municipal court transfers should be limited by county boundaries.
- Whether terminology or legislative findings would address concerns about the word "abolished."
- Whether 60 days, 180 days, or another timeframe is appropriate.
- Which city, county, court, and OJD representatives must be consulted before a transfer occurs.