OREGON LAW COMMISSION

Meeting Date:	Friday, September 25, 2026 (10 am)
Location:	Zoom
Commissioners:	Valerie Sasaki, Justice Rebecca Duncan, Chief Judge Erin Lagesen, Senior Judge Mary Mertens James, Cody Hoesly, Senator Floyd Prozanski, Dean Jeffrey Dobbins, Ben Gutman, John DiLorenzo, Eva Kripalani, Representative Jason Kropf
Unable to Attend	Christa Obold Eshleman, Dean Sandy Patrick, Representative Kim Wallan, Professor Kristen Bell
Staff:	Amy Zubko, Nora Robson
Guests:	Carol Crum, Lindsey Detweiler, Amie Fender-Sosa, Eric Foster, Ben Goldberg, Dexter Johnson, Jim Nass, Channa Newell, Heather Marek, Sabrina Riggs

1. Welcome and Introductions

Chair Valerie Sasaki opened the meeting and led the introduction of the Commissioners and guests, including representatives or participants from the Electronic Wills Work Group, the Office of Legislative Counsel, the Legislative and Policy Research Office,, the office of the Speaker of the House, Oregon Child Abuse Solutions, Oregon Law Center, Oregon Judicial Department, and the Municipal and Justice Courts Work Group.

Chair Sasaki noted that the Commission had a full agenda and shared that guests would have an opportunity to speak for two minutes before any votes on matters requiring Commission action.

2. Minutes

a. June 5, 2026 Commission Meeting Minutes

The Commission reviewed the June 5, 2026 meeting minutes. Cody Hoesly made a motion to approve the minutes, which was seconded by John DiLorenzo. The minutes were approved without opposition.

3. Financials

Amy Zubko provided a financial update and noted that financial information had been circulated that morning, including information for the end of the fiscal year ending June 30 and the most recent August numbers. Ms. Zubko thanked the University of Oregon for providing the financial update.

Ms. Zubko reported that the Commission was under budget for the prior fiscal year (FY 2026, July 2025 – June 30 2026). This was in part due to two separate hiring freezes put into place first by the State of Oregon (summer of 2025 – the end of the February 2026 Legislative Session) and then the University of Oregon (Spring of 2026 – Present). It was also noted that the service fee paid to the University of Oregon was approximately $17,000.

In preparation for the Fiscal Year 2028 budget, which is due in the middle of the 2027 Legislative Session to the University of Oregon, Ms. Zubko shared that the FY2028 draft budget would be discussed at the January 2027 Oregon Law Commission meeting.

Chair Sasaki asked Members of the Commission to send any questions about the budget materials to her or Ms. Zubko.

Ms. Zubko reported that the Commission submitted two policy option packages for the 2027-2029 legislative session: one for a legal fellow program and one for an increase in the director's compensation. It was noted that current service level funding information had been provided by OJD and had moved forward to OJD.

4. Administration and Governance

Chair Sasaki thanked the members of the Administration and Governance Committee for meeting over the summer and stated that the group would meet again before the end of the year.

5. Chair and Vice Chair Elections

Ms. Zubko shared under the Commission's policy guidelines, elections for chair and occur at the first Commission meeting after July 1 of an even-numbered year.

Valerie Sasaki and Eva Kripalani were thanked for putting their names forward for chair and vice chair respectively.

After an opportunity for additional nominations, Cody Hoesly motion was made to approve a slate of Valerie Sasaki as chair and Eva Kripalani as vice chair. Judge Mary James seconded the and the Commission approved the slate without opposition.

6. Work Group Updates

a. Uniform Electronic Wills Act Work Group

Eric Foster, the reporter for the Electronic Wills Work Group, shared that the work group was in the process of reviewing an Oregon-specific version of the Uniform Electronic Wills Act.

Mr. Foster explained that under the legislative concept there would be two pathways for an electronic will to be submitted to probate. The first process would apply when an electronic will is signed with full formalities, including two witnesses and affidavits signed at the signing ceremony before a notary public. Under that approach, the electronic will would be probated through a petition for probate in the same manner as a paper will.

The second process would be used when an electronic will is signed in front of two witnesses, but the witnesses either do not sign affidavits of attesting witnesses until after the signing ceremony or do not sign them at all. Under that process, the petition and will would be sent to interested persons for a 20-day objection period, and the court could hold a hearing or rely on affidavits to determine validity by clear and convincing evidence.

Two recent areas of discussion considered whether to include harmless error and whether the UEWA should be integrated into existing Oregon statutes or drafted as a standalone bill also shared that work group discussed whether Oregon's harmless error statute.

b. **Municipal and Justice Court 2025–2027 Work Group**

Commissioner and Work Group Chair Judge Mary James reported on the Municipal and Justice Courts Work Group. Judge James opened the report with a reminder that five of the issues discussed at the Program Committee meeting in 2025 had been addressed and that the work group had reached consensus on two issues requiring statutory updates: a process for waiver of undertakings and removal of the 50-mile limitation on justice courts becoming courts of record. The draft language had been posted

Judge James identified three additional issues that the work group had been discussing, including: treatment of records of abolished local courts, whether violations should be appealed under Chapter 19 or Chapter 138, and third, whether violations from municipal courts should be appealable to the court of appeals.

For the first issue, records of abolished local courts, Judge James reported that a small work group was in the process of reviewing draft language and had a follow-up meeting scheduled for the following week.

For the second issue, Judge James reported that a small group had been considering whether violations should be appealed under Chapter 19 or Chapter 138. There was mixed interest in adopting the original proposal and Judge James shared that she had asked Legislative Counsel to draft cleanup modifications that could be discussed.

For the third issue, Judge James shared that the work group had not reached consensus on whether a major fix was necessary. It was noted that, if the work continued, it should be considered as a separate bill so that other issues were not delayed. It was also noted that several issues had not yet been reached because the three topics had dominated the summer.

In order for the work group to move forward, Chair Sasaki requested that the work group prepare and finalize a bill that included the two issues the work group had reached consensus which required statutory updates. In addition, she asked the work group to work through the end of October to consider the abolishment of local courts issue and whether violations should be appealed under ORS Chapter 19 or Chapter 138.

Chair Sasaki asked for feedback from Commissioners. Commission Lagesen expressed interest in having the appeals law clarified. She further inquired whether the work group had the expertise needed to address the appeals issue. Chair Sasaki suggested that if a proposal to reconstitute the work group were considered, it would be useful to have a specific list of individuals willing to serve and a proposed chair.

Commissioner Duncan followed up with a question regarding Judge James' comment regarding the potential consensus language on the Chapter 19 versus Chapter 138 issue. The response was that the work group could continue to work on that issue if directed to by the Commission. Justice Duncan noted that clarification of whether violations have the same appeal options as misdemeanors would be useful.

Chair Sasaki asked for comments from the guests at the meeting. Heather Marek from the Oregon Law Center and a member of the work group shared that the issue of limitations on appeals of municipal offenses, the third issue mentioned above, was important to her and had affected her clients, and she stated that one reason the work group had not resolved the issue was that there was not a common understanding of current law.

Jim Nass, a member of the work group, commented that he initially believed violations should proceed under Chapter 138 because violations are defined and prosecuted as criminal cases, but he also viewed cleanup of Chapter 19 as a reasonable approach and hoped stakeholders would indicate whether they agreed or opposed that approach.

After further discussion, the Commission expressed their interest in having the work group present what it had finalized at the next full Commission meeting for approval to move forward or not in the 2027 session.

At the close of the discussion, Commissioner Prozanski noted ongoing interest in the issues of appeals from municipal courts and also raised the issue of removal from a court not of record to a circuit court. In addition, he identified options for bill filing.

c. **Uniform Partition of Heirs Property Work Group**

Chair Sasaki, the chair of the work group, reported that the Uniform Partition of Heirs Property Work Group expected to have a bill for the next full Commission meeting. She also expressed her appreciation to Robert Mauger of Legislative Counsel's office for his work on the draft. The work group last met on September 17 to walk through the draft for the first time and would meet again the following week to complete the first walk-through.

Chair Sasaki reported that the work group had decided to limit the proposal to partition of heirs property and not apply it generally to Oregon's partition processes with the exception of the process for open market sales which would apply to all partition actions. She also shared that the work group was working to ensure sufficient notice to lienholders and creditors.

d. **Uniform Revised Limited Liability Company Act Work Group**

Chair Sasaki shared that over the summer, the Commission worked with the Secretary of State's office to determine whether there was a way to minimize the fiscal impact statement placed on SB 164 during the 2025 session. The Secretary of State's office identified four areas of concern: moving the effective date to January 1, 2029; removing interest exchanges; removing domestication; and removing nonprofit LLCs if necessary. Chair Sasaki updated the Commission on the discussion.

Commissioner John DiLorenzo asked whether there was an expected referral to the Ways and Means Committee. Dexter Johnson noted that referrals would be determined by the presiding officers and the chair of the policy committee to which the bill was assigned. Senator Prozanski stated that there is always a path to Ways and Means if leadership or others want a bill to go there and suggested conversations with agencies or branches that might place fiscal impacts on the bill.

The Commission discussed whether the bill should begin on the Senate side, and Mr. DiLorenzo stated that, in his view, pre-session filing the bill in the Senate would provide the best path forward.

e. **Simple Estate Affidavit Criteria Work Group**

Chair Sasaki shared that Simple Estate Affidavit Criteria Work Group first met in June. Over the summer, a small group reviewed which discrete questions the work group could address and where it could add value. The full group met earlier in the week to review the work plan, discuss users of the simple estate affidavit process, and discuss

next steps. Chair Sasaki reported that she was chairing the work group, Tabitha Palmer Duprau was serving as vice chair, and Lori Anne Sills was serving as drafter.

7. Program Committee Update

a. Juvenile Law

Chair Sasaki reported that at the Program Committee's July 24 meeting, the Program Committee discussed a proposal submitted by the Speaker of the House's office to rewrite ORS chapters 418 and 419B. In addition, Chair Sasaki shared that the Senate President submitted a letter in response to the proposal and that the Speaker's letter, the Senate President's letter, and Chair Sasaki's response were posted on the Commission's website.

Chair Sasaki provided an overview of the Program Committee's direction, which was continued review by Commission staff and stakeholders and to work with stakeholders to develop an actionable plan identifying work group members, setting forth a tightly defined set of objectives, and respecting the legislature's policy decisions.

8. Workplan

a. June 2026 – December 2026 (updated)

Ms. Zubko reported that the posted work plan had been updated to indicate items that were completed, ongoing, or not yet finished. With the exception of the Municipal and Justice Court project, discussed above, the work of the Commission was on schedule. Ms. Zubko thanked Senator Prozanski and Representative Kropf for inviting the Commission to present during fall legislative days.

Ms. Zubko shared that that an updated work plan would likely be presented at the January meeting and would primarily focus on work for the legislative session. No edits, comments, or questions were raised about the work plan.

9. Proposed 2027 Schedule

The Commission discussed the proposed 2027 schedule. Chair Sasaki noted that quorum is especially important when the Commission approves bills and when the Commission discusses the budget.

It was clarified that the next Commission meeting would be November 20, 2026, rather than December because of legislative days and pre-session filing. No questions or concerns were raised about the calendar.

10. For the Good of the Order

No additional items were raised for the good of the order. Chair Sasaki thanked members of the Commission and guests for their time and thoughtful discussion, and the meeting concluded.

All meetings are held by video conference unless otherwise noted. To participate in a meeting, please contact the Oregon Law Commission for information at (541) 346-3298 or azubko @ uoregon.edu.

If you would like to request accommodations for a Commission meeting or event, please contact the Commission as soon as possible but no later than 48 hours before the scheduled event.

OREGON LAW COMMISSION

Meeting Date:	November 20, 2026
Location:	Zoom
From:	Eva Kripalani (Vice-Chair and Program Committee Chair)
To:	Valerie Sasaki (Chair), Justice Rebecca Duncan, Chief Judge Erin Lagesen, Senior Judge Mary Mertens James, Cody Hoesly, Christa Obold Eshleman, Dean Sandy Patrick, Representative Jason Kropf, Representative Kim Wallan, Senator Floyd Prozanski, John DiLorenzo, Professor Kristen Bell, Dean Jeffrey Dobbins, Benjamin Gutman
Re:	Modification to Program Committee Policies and Procedures

Background

The Oregon Law Commission was created in 1997 by the Legislative Assembly to conduct a continuous program of law reform. There are many methods for reforming Oregon laws, including simplifying, modernizing, and consolidating statutory provisions. In addition, the Commission proposes new substantive and procedural provisions to improve and fill gaps in Oregon law.

Before approval, the Commission reviews proposed projects through a subcommittee, the OLC Program Committee. Eva Kripalani was elected as vice-chair and chair of the Program Committee at the September 25, 2026 Oregon Law Commission meeting. Prior to Ms. Kripalani taking on the position, the position had been empty for several years.

Upon review of the Policies and Procedures and discussions with Valerie Sasaki, chair of the Commission and Amy Zubko, Director, an inconsistency between the policies and procedures and current practice was identified.

Under Section 3(A)(a), the OLC Policies and Procedures direct the Commission to appoint a Program Committee chair and five members of the Commission. However, since Ms. Sasaki joined the Commission in 2022, each Commission member has been invited to join each Program Committee meeting when a proposal is submitted rather than following an appointment process. This process has increased the involvement of Commissioners in the review and vetting processes while ensuring a greater familiarity with the project proposals submitted to the Commission.

Proposal

The proposed change is found in the OLC Policies and Procedures, Section 3(A)(a) and would change the “shall” to “may.” This will provide the Commission Chair with the ability to appoint five Commissioners as Program Committee members if the need arises to reimplement a formal appointment process, while allowing the current practice of providing each current Commission member with the opportunity to participate in the Program Committee review process.

3. Program Committee

A. The Program Committee reviews law reform project proposals that have been submitted to the Commission and provides recommendations to the Commission regarding project selection and appropriate scope.
   a. The chairperson of the Commission [~~shall~~] may appoint five Commissioners to serve as members of the Program Committee. The Commission's vice-chairperson shall serve as the chairperson of the Program Committee, unless another member is appointed by the chairperson. The chairperson of the Commission may substitute up to two former Commissioners as members of the Program Committee.
   b. The Program Committee will meet as necessary to conduct the work of the Commission with a goal of at least two meetings per year.
   c. The Program Committee may convene additional Committee meetings, as are needed to timely review and recommend Commission action on project proposals.
   d. Project proposals shall be submitted using the Commission project proposal format, or its equivalent, no later than 60 days prior to a Program Committee meeting. Project proposals submitted under ORS 173.338 (2), may be submitted with less than 60 days with the approval of the chair of the Commission and director. A representative of the proposal may appear at the Program Committee meeting at which the proposal is considered.
   e. Project proposals shall be considered in light of ORS 173. 338 and the following criteria:
      i. If the Legislative Assembly refers a proposal to the Commission, by law or concurrent resolution under ORS 173.338(2), the Commission will consider its ability to adequately staff, any additional resources needed, and other approved project proposals;
      ii. If the Legislative Assembly does not refer by law or concurrent resolution, and the proposal is submitted under ORS 173.338(1), the Commission will consider the policy merit, ability and resources to adequately staff the proposal. Commission member interest may be used as criteria for consideration of project proposals.
      iii. The Program Committee shall notify the full Commission of all proposals reviewed.

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Commissioners:	Valerie Sasaki (Chair), Eva Kripalani (Vice-Chair), Justice Rebecca Duncan, Chief Judge Erin Lagesen, Senior Judge Mary Mertens James, Cody Hoesly, Christa Obold Eshleman, Dean Sandy Patrick, Representative Jason Kropf, Representative Kim Wallan, Senator Floyd Prozanski, John DiLorenzo, Professor Kristen Bell, Dean Jeffrey Dobbins, Benjamin Gutman
Staff:	Amy Zubko, Nora Robison
Re:	2027 Legislative Proposals

Background

The Oregon Law Commission was created in 1997 by the Legislative Assembly to conduct a continuous program of law reform. There are many methods for reforming Oregon laws, including simplifying, modernizing, and consolidating statutory provisions. In addition, the Commission proposes new substantive and procedural provisions to improve and fill gaps in Oregon law. The Commission has five active work groups, four of which are working towards proposed legislation for the 2027 Legislative Session.

2027 Proposals

(1) Uniform Electronic Will Act Work Group (LC 1)

The Commission's Electronic Will Work Group has been chaired by Lane Shetterly with Eric Foster filling the role of Reporter. Lori Anne Sills from the Oregon Legislature's Office of Legislative Counsel served as the drafter for the project.

Since the fall of 2025, the work group has met 15 times to discuss the Uniform Law Commission's Uniform Electronic Wills Act. The recordings and materials of the work group can be found on the Oregon Law Commission's website (https://law-olc.uoregon.edu/Electronic%20Wills%20Workgroup).

LC 1 and the accompanying report are the product of the discussions and review of the draft language by the work group membership. The Oregon Law Commission, Mr. Shetterly, and Mr. Foster extend their gratitude to the work group members and interested parties for the thoughtful review and discussion of the proposed language.

(2) Revised Uniform Limited Liability Company Act Work Group (LC 71)

The Commission's LLC Act work group has been chaired by John DiLorenzo and vice-chaired by Valerie Sasaki. Dexter Johnson from the Oregon Legislature's Office of Legislative Counsel served as the drafter for this project. The legislative concept was previously introduced in the 2023 (SB 909) and 2025 (SB 164) Legislative Sessions.

The recordings and materials of the work group can be found on the Oregon Law Commission's website (https://law-olc.uoregon.edu/Electronic%20Wills%20Workgroup). During the 2025 Legislative Session the bill moved out of the Senate Judiciary Committee with a Fiscal Impact Statement from the Oregon Secretary of State's office to the Joint Committee on Ways and Means. The bill was in committee upon adjournment.

Since the 2025 Legislative Session, a group of work group members have worked with the Secretary of State's office to identify ways to minimize the fiscal impact statement placed upon the bill during the 2025 session.

LC 71 and the accompanying report are the product of the discussions and review of the draft language by the work group membership as well as subsequent discussions since the original proposal was submitted to the legislature in 2023.

The Oregon Law Commission, Mr. DiLorenzo, and Ms. Sasaki extend their gratitude to the work group members and interested parties for the thoughtful review and discussion of the proposed language.

(3) Municipal and Justice Court Work Group (LC 72)

The Commission's Municipal and Justice Court Work Group has been chaired by Judge Mary Mertens James. Jessica Minifie from the Office of Legislative Counsel served as drafter for the work group. The work group recordings and materials can be found on the Commission's website (https://law-olc.uoregon.edu/MunicipalandJusticeCourts25-27#overlay-context=projects).

LC 72 and the accompanying report are the product of the discussions and review of the draft language by the work group membership. LC 72 includes two of potentially four concepts to be submitted to the Legislature in the 2027 Legislative Session, a waiver process for money judgements and supersedeas undertakings and the removal of a geographic prohibition on justice courts of record.

Additional proposed statutory language regarding the records of abolished local courts and the appeals pathway for violations from a municipal court of record, if finalized, will be shared with the Commission at the January 8, 2027 meeting as a separate legislative concept.

The Oregon Law Commission and Judge James extend their gratitude to the work group members and interested parties for the thoughtful review and discussion of the proposed language.

(4) Uniform Partition of Heirs Property Work Group (LC 73)

The Commission's Partition of Heirs Property Act work group has been chaired by Valerie Sasaki with Susan Gary serving as the Reporter. Robert Mauger from the Office of Legislative Counsel is the drafter for the work group. The work group recordings and materials can be found on the Commission's web site (https://law-olc.uoregon.edu/PartitionHeirsProperty). Since the fall of 2025, the work group has met 12 times to discuss the Uniform Law Commission's Uniform Partition of Heirs Property Act.

LC 73 is the product of the discussions and review of the draft language by the work group membership. The accompanying report will be presented to the full Commission for consideration at the January 8, 2027 meeting.

The Oregon Law Commission, Ms. Sasaki, and Professor Gary extend their gratitude to the work group members and interested parties for the thoughtful review and discussion of the proposed language.

MEMORANDUM

To: Commissioners of the Oregon Law Commission

From: David Kenagy

Date: September 6, 2001

Re: Managing Mid-Session Amendments to Law Commission recommended bills

Our experience in the 2001 Legislative Session taught that even the most carefully drafted Law Commission legislative recommendations will be amended during the legislative process. We also learned that the amendments may be proposed from many sources for reasons some of which may not even be known or revealed until after an amendment has been adopted.

Other Law Commissions around the country have faced the same issue. In general they favor maximum flexibility for those charged with guiding the legislation on behalf of the Commission. They do not adopt policy constraining the process but follow understood practices that have developed over their years of experience. I suggest that we do the same. This memo displays the broad outlines of the approach used by the Executive Director's office, which we intend to use in the future, subject to further guidance from the Commission.

You will recall that in light of the experiences of the 2001 Session, the Commission discussed at its July 13, 2001 meeting how to best process the inevitable amendments to Law Commission bills. This discussion included a desire to see Commission recommendations enacted, unless the content of the final enactment departs fundamentally from the original recommendation.

The Commission's Executive Director is responsible for guiding the Commission's recommendations through the legislative process. In that capacity the Executive Director is expected to exercise an initial judgment when faced with a proposed legislative amendment to a Law Commission bill. That initial judgment is to distinguish between amendments that make either "material" or "immaterial" changes to the Law Commission bill. Technical text changes and corrections which do not alter the purpose and function of a bill are examples of immaterial changes.

In the exercise of this initial judgment concerning materiality, the Executive Director will resolve doubts in favor of assuming materiality in order to engage the wider consultation and discussion about the amendment as detailed below. Consultation with either the Commission Chair, Vice Chair or others usually would be a part of the Executive Director's initial decision making process.

If an amendment is immaterial, the Executive Director will continue to guide the amended Law Commission bill as would be the case without amendment. Making clear, however, that the amendment does not carry formal Law Commission approval.

If an amendment is material, the Executive Director will take steps from among those listed below. The steps selected will naturally depend upon the stage of the legislative process in which the amendment is proposed or made.

Generally, early in the Session there is more time for broad-based discussion, reflection and review. Later in the Session faster responses are needed, requiring a more confined and efficient

discussion. Regardless of the step chosen, the Executive Director will consult with the Chair of the Commission in order to take such other necessary steps or combinations of steps as may not be contemplated at this writing. The keys are good communication and flexibility in approach.

The hierarchy of steps in managing mid-session amendments is as follows:

1. In consultation with the Commission Chair or Vice-Chair, present the amendment to the full Law Commission for formal consideration and a vote on taking a position on the amendment. Only this first approach would authorize the Executive Director to affirmatively report support or rejection of an amendment "on behalf of the Commission." This approach, however, requires both an assessment of the time available for such action and the nature and scope of the amendment itself. Experience has shown that some amendments, while fairly judged "material," are of lesser scope and effect than others and may therefore be better addressed in a less formal manner.

2. In consultation with the Commission Chair or Vice-Chair, present the amendment to the full Work Group responsible for the Commission's draft at a meeting of the Work Group or informally by email or otherwise where necessary.

3. In consultation with the Commission Chair or Vice-Chair, present the amendment to the responsible Work Group Chair, to the Work Group Reporter, and to any members of the Work Group known to the Executive Director to be most knowledgeable on the subject raised by the amendment.

4. In consultation with the Commission Chair or Vice-Chair, present the amendment to the Work Group Chair, Reporter or other most knowledgeable Work Group member.

Following each of the above actions the Executive Director will carry out the steps next reasonably necessary to implement the guidance obtained from the process. In no case shall the views of any person or group of persons be reported by the Executive Director as the views of the Law Commission unless supported by a vote of the Commission affirming those views.