

Meeting Notes
Oregon Law Commission
OLC MJC 2026-2027 Work Group
July 15, 2026

Call to Order

Attendees for this meeting were Judge Mary James; Jim Nass; Gus Patel-Tupper; Tim Dooley; Kimberly McCullough; Jessica Minifie; Heather Marek; Emily Hughes; Steve Arntt; Judge Daniel Cross; Lindsey Detweiler; Monte G Ludington; Hugh Duvall, Judge Emily Oberdorfer, and Amy Zubko, Gracie Schweitzer; Nora Robison; and Jared Rumsey;

Judge Mary James began the meeting by welcoming everyone and introducing guest Gus Patel-Tupper (Policy Advocacy Clinic at Berkely Law) who had expressed interest in learning more about the discussion.

Discussion

Judge James began the discussion by giving the group a brief overview of the agenda: reports from previous small workgroup meetings and discussion of next steps and the overall schedule given time constraints for the 2027 legislative session.

Records of Abolished Courts:

The small group for records of abolished courts met a couple of times since its establishment. Amy Zubko presented to the group on the conversations that have occurred. During the last meeting on July 7, 2026, the small group discussed a proposal. The proposal outlined three options: (1) use existing municipal court language for intergovernmental agreements as a potential framework for justice courts, (2) maintain existing justice court language for abolished courts and add language to address jurisdictional issues, and (3) have local courts create a plan so that if one court closes there is an existing template/plan on what should be considered before records are transferred. Members of the small group added that they had planned to discuss these options with their individual organizations, having internal conversations, before giving the greater workgroup a decision on how to proceed. Judge James discussed how Oregon cities are facing bankruptcy and how this generates a question of whether municipal courts are going to be taken over in some other way. She stated there may be a larger conversation needed and not just a conversation focused on transfer of records.

Kimberely McCullough (OJD), who is a member of the small workgroup, stated Amy Zubko had included all the important information. Kimberley McCullough elaborated that OJD did have internal conversations about these options, stating OJD is open to jurisdiction transferring to them as long as notice requirements are included in the new statutory language as well as other clarifying language. One group member brought up that a statute already exists outlining jurisdiction for justice courts but that a sentence could be added to

make such transfer explicit in the language. It was acknowledged that a greater conversation was needed to determine if the process/statutory language changes for justice courts made sense if applied to municipal courts. Jessica Minifie, drafter of the statutory language, informed the group that she had drafted the requirement of having a plan (option 3), creating separate drafts for justice and municipal courts. She asked the group if adding language stating abolishment of a court without a plan would default to OJD jurisdiction would be warranted now that OJD is open to this plan. The greater workgroup affirmed this addition.

Conditional Pleas and Transfers

Judge James raised an issue that was originally shared by Judge Greg Gill about HB 2460 §§ 5 and 37 which established a transfer process within justice and municipal courts not of record to circuit court. Amy Zubko provided an overview of the concern and refreshed the group's memory on these sections. In 2024, the OLC MJC workgroup discussed a proposal written up by Jimmy Brewer pertaining to conditional pleas and a possible transfer process. In 2024, the group discussed whether an explicit transfer process should be created for defendants in municipal courts not of record when such a process existed in justice courts not of record. The workgroup eventually came up with § 5 and § 37 of HB 2460 which were enacted as ORS 51.053 and ORS 221.361. The general understanding of the question was whether ORS 221.361/§ 37 created a situation where a city would choose to switch from a municipal court not of record to a court of record creating an unfunded mandate. The workgroup was informed that OLC Legal Research Aides were tasked with researching this issue, looking at both the statutes and the workgroup's discussions leading up to the 2025 legislative session.

One workgroup member recalled spending much time on the issue of transfers and conditional pleas. Judge James shared the concern she had heard whether the new statute created expensive economic/financial asymmetry. One group member pointed out that under the current statute, a city can still control transfers since these transfers would require consent of all parties in the case and that opting out of a transfer was simple. Jessica Minifie, who drafted HB 2460, stated the right to transfer previously existed due to established case law. She elaborated that the previous workgroup (in 2024) discussed this issue with a focus on justice courts but found it could be applied to municipal courts. Other workgroup members expressed that they did not see how concerns about potential consequences would occur, stating this seemed more of a city's policy decision rather than direct effect of the statute.

Judge James informed the workgroup that Legal Research Aide Gracie Schweitzer had written a memorandum about this topic and that it would be shared with the group. The consensus was that the group would review the memorandum and determine whether the issue/concern merited a further discussion.

Limitations on Appeals

Judge James had asked the small workgroup not to look into additional proposals until legislative history and processes were researched as called for during the July small group meeting. Judge James informed the greater workgroup that a trip to the state archives was necessary to gather the research needed before moving on with the small workgroup's discussions. It was stated that the group needed to decide whether there would be a small change or whether a large-scale policy change was needed. Judge James stated she did not believe there was time before the 2027 legislative session to complete a large-scale change.

When Judge James asked the group if they had any questions, two workgroup members spoke up about the desire to get this change done and that this topic was their priority issue. These two workgroup members stated this topic was on the agenda list drafted in 2025 for the full workgroup and that it should be addressed before the 2027 legislative session. Heather Marek stated she believed some of the small group's conversations could move forward without the legislative history research being complete, highlighting that the discussion is focused on a how this issue is understood as a policy matter. Judge James informed the workgroup that discussions can happen but that there is a time restriction with the 2027 legislative session coming up. After some discussion, it was determined that a new small workgroup meeting could be put on the calendar without the completed legislative history research.

Chapter 19 vs. 138

Judge James explained that the small group asked the various stakeholders in this issue to determine if they have the bandwidth to address a potential shift of violations appeals from ORS Chapter 19 to Chapter 138. Chris Perdue from DOJ has a meeting scheduled with policy folks and will report back with their determinations as soon as possible, though DOJ has been very busy with other matters. Judge James further explained that the proposal's wholesale shift is a very large lift for Legislative Counsel drafters and the group may not want to use all of that limited resource in this area for the time left in the workgroup. Jessica Minifie mentioned that while it would be a lot of work, it could be done. She elaborated that there was also discussion of a more modest change to the statutes that would just require the group to make some policy decisions. Heather Marek agreed and felt the group was leaning more in the direction of smaller changes that address the issue as opposed to a full chapter shift. She hoped DOJ's response would support that. Judge James suggested that the small group could still schedule a meeting prior to the next full group meeting and hearing back from DOJ if necessary.

Final Discussions

Judge James stated the small groups would have about 4 weeks between today and the next full workgroup meeting to address the issues raised during this meeting. There was nothing else on the meeting agenda and Judge James asked if there were additional questions the group may have. Jim Nass asked for clarification on the status of the Ch 19 v.

138 small workgroup. According to Judge James, the Oregon DOJ scheduled a meeting to discuss what option they could commit to: the modest proposal or a full-scale change. Once this meeting occurred, the small workgroup would have more clarification on how to proceed.

Scheduling

The next meeting for the OLC MJC workgroup is set to take place on August 19, 2026. No workgroup members had further questions or concerns. Judge James told the group that if any members thought of questions before the next meeting that they should reach out to her or Amy Zubko.