

HB 3399: Local Courts

This bill establishes a baseline standard for qualifications of local court judges and court procedures to ensure consistent practices, with the objective of ensuring equal access to justice across the state.

Our state does not have one, single, unified court system. We have a system of state circuit courts, in every county. Local communities also have the authority to set up their own local courts. There are nearly 150 municipal courts, and 35 justice courts.

This proposal sets minimum standards for local courts and their judges, only for those courts that handle criminal proceedings. The bill has two main components: it sets one minimum standard for local courts and one for judges. In a nutshell, it requires judges to have some minimal education, and for the court to keep a record of a criminal proceeding. That's all.

Record of proceedings

The first part of the bill requires justice and municipal courts to keep a transcript or audio record of criminal proceedings for at least 12 months. This is a minimal requirement that can be useful to all parties in making their case should there be an appeal, or in resolving a claim of misconduct – useful to prosecution, defense, and even to judges.

Educational requirement

The second part of the bill establishes an educational standard for newly-elected or appointed judges. Currently, under Oregon state law, you do not have to have a law degree, have passed the bar exam, or be a member of the Bar Association to be a judge in a justice or municipal court. In other words, there is no minimum educational requirement for judges trying criminal cases.

Many of the lay judges have already completed a course that provides basic education in the law, and administering the law – but not all.

This bill requires new judges to have a law degree, or complete the National Judicial College course on courts of special jurisdiction within 12 months of being elected or appointed. This course provides valuable information on topics such as courtroom procedures, making evidentiary rulings, handling cases with self-represented litigants, and creating a sense of impartiality and fairness in the courtroom.

The bill also provides for an extension of time to complete the educational requirement should some unexpected, exigent circumstance prevent the new judge from completing the course.

Closing

Oregonians' impressions of justice are formed in part by their experience in court, and they make no distinction whether it's a local court or a state court, or a court of record.

In Oregon – and indeed across America – the public is asking for transparency in all aspects of our government, from contracts to cost efficiency to the criminal justice system.

This bill moves us forward in increasing public trust in our system of justice. I ask for your AYE vote to establish these two minimum standards, raise the bar for justice, and increase confidence in the local courts statewide.