

Justice of the Peace Courts

MEASURE Justice of the Peace Courts
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In the United States, the office of Justice of the Peace is as old as the colonies established by Englishmen. The author of the Declaration of Independence, Thomas Jefferson, served as justice of the peace in colonial Virginia as did the first President of the United States, George Washington. Affidavits taken by justices of the peace in Massachusetts colony in 1775 recorded contemporary narratives of the battles of Lexington and Concord. In Oregon, Territorial statutes provided for the election of a justice of the peace in every precinct in the Territory, as did the first statutes passed by the Oregon Legislature.

Although once by far the most numerous judges in this State, presently there are 26¹ justices of the peace holding court in 35 locations in 21 counties in Oregon.² Justices of the peace are “judges” and justice courts are “courts” as those terms are used in Article VII (Amended) of the Oregon Constitution.³ Justices of the peace are state officers in the judicial department of this state.⁴

Justices of the peace are elected to 6-year terms by the electors within each justice of the peace district; each justice of the peace district may have only one justice of the peace.⁵ There may be up to 6 justice of the peace districts in any county, provided that a justice of the peace district may not include any part of the city that is the county seat, except for Tillamook County in western Oregon and 7 counties in central and eastern Oregon, or any city where a circuit court holds regular sessions.⁶ When establishing a justice of the peace district, a county may require that a justice of the peace be a member of the Oregon State Bar.⁷

The criminal jurisdiction of justice courts extends to all offenses that are committed or triable in their respective counties, except the trial of any felony; such jurisdiction is concurrent with jurisdiction that may be exercised by a circuit court or municipal court.⁸ The civil jurisdiction of justice courts includes actions at law for the recovery of money, damages, personal property, and penalties or forfeitures where the amount or value claimed does not exceed \$10,000.⁹ Such actions may be commenced as a standard civil action or as a Small Claim.¹⁰ Justice court civil jurisdiction does not include any action involving question to the title to real property, any action for false

¹ There are 14 female and 12 male justices of the peace; 12 are OSB members, 3 female and 9 male.

² Although the number of Justices of the Peace has declined, the number of counties with justice courts has increased in recent years. Three counties, Deschutes, Clackamas and Union, have re-established justice courts since 2001.

³ *Webster v. Boyer*, 81 Or 485 (1916)

⁴ *Kuhnhausen v. Stadelman*, 174 Or 290, 305 (1944)

⁵ ORS 51.210

⁶ ORS 51.020

⁷ ORS 51.020(2)

⁸ ORS 51.050

⁹ ORS 51.080

¹⁰ ORS 51.080, 55.011

imprisonment, libel, slander or malicious prosecution, or an action brought by an inmate.¹¹ Justice courts have concurrent jurisdiction with circuit courts over Forcible Entry and Wrongful Detainer (landlord/tenant) actions.¹²

Since enactment of motor vehicle laws early in the 20th Century, traffic offenses have constituted a very high percentage of cases filed in Justice Courts while crimes and civil actions have formed a small percentage of the cases filed in Justice Courts. It should come as no surprise that, 100 years after enactment of traffic laws, traffic offenses *continue* to be by far the largest part of cases filed in justice courts.

According to a survey of justice courts taken in 1973¹³, the 49 justices of the peace then in Oregon handled 82,849 cases of all types; 82% of these cases (67,947) were traffic offenses. In 2013, 14 justice courts reported handling 72,580 violation offenses, 905 crimes, 470 civil actions, 750 FED's and 2133 small claims.¹⁴ In 2013, the justice courts processed approximately 140,000 violation offenses,¹⁵ most of which were traffic offenses

Crimes and violation offenses are filed in courts by law enforcement officers, district attorneys or their assistants, and, in a very few cases, by private parties. Law enforcement agencies and district attorney's offices follow their agency guidelines as to the court in which crimes and violations will be filed.

Since Justice Courts are barred from county seats in all but Tillamook County and 7 rural counties in central and eastern Oregon, and since the county seat is usually the most populous city in the county, most civil actions of all kinds will be filed at the circuit court in the county seat rather than a justice court some distance away.

¹¹ ORS 51.090

¹² ORS 105.110

¹³ Justice Courts in Oregon, *Oregon Law Review*, Vol 53 (Summer 1974) p. 420.

¹⁴ Ibid.

¹⁵ Summary of data available to author.

Justice Courts in Oregon by County

County	Courts	Judges	Locations	Notes
Baker	1	1	Baker City	
Clackamas	1	1	Oregon City	Opened since State takeover
Columbia	2	1	Vernonia, Clatskanie	
Deschutes	3	1	Redmond, Sisters, LaPine	Opened since State takeover
Douglas	4	4	Canyonville, Drain, Glendale, Reedsport	
Gilliam	2	1	Arlington, Condon	
Grant	1	1	Canyon City	
Harney	1	1	Burns	
Hood River	1	1	Cascade Locks	
Jackson	1	1	Central Point	
Klamath	2	1	Klamath Falls, Wood River (Chiloquin)	
Lane	1	1	Florence	Closed JP courts in Oakridge and Springfield recently
Linn	1	3	Harrisburg, Lebanon, Sweet Home	
Malheur	1	1	Ontario	Municipal Court for Ontario and Nyssa
Marion	3	2	Woodburn, Stayton, East Salem	
Morrow	2	1	Heppner, Irrigon	
Sherman	1	1	Moro	
Tillamook	1	1	Tillamook	Municipal Court for Bay City and Garibaldi
Union	1	1	Island City	
Washington	1	1	Beaverton	
Wheeler	2	2	Fossil, Mitchell	

