

Tell someone that a court in the United States of America conducted proceedings with no official record – no transcript, no documented findings, no preserved account of what the judge said or did– and watch their face.

They squint. They ask you to repeat it. Some of them laugh, the nervous kind, the laugh that means ‘that can’t be right.’ And then you explain it again. Same words. And they still look at you like you’re the one who’s confused.

You’re not missing something. The court was.

For as long as anyone can document– certainly for the duration of my time fighting the City of Eugene and its approach to the people it would rather not see– Eugene Municipal Court was what Oregon law calls a court of no record. No transcript. No preserved proceedings. If you wanted to appeal a decision, you didn’t appeal the decision. You started over. A de novo review in front of the circuit court, which retries the case from scratch as though whatever happened below never officially existed.

Which, legally, it didn’t.

Think about what that means. Not in the abstract. In the specific.

The specific is this: Eugene has a houseless population. Eugene also has a robust collection of ordinances designed to make houselessness as uncomfortable and legally precarious as possible: camping restrictions, park use rules, trespass citations, curfew violations at public plazas that the city designates as free speech zones with one hand and then puts a bedtime on with the other. The people swept up under these ordinances cycle through Eugene Municipal Court constantly. They arrive without lawyers, without resources, often without stable footing in any sense of the word. They face a judge.

The judge rules. And then, regardless of what was said, what arguments were raised, what rights were invoked and dismissed, the record of that proceeding simply does not exist.

What the law does provide is a de novo retrial, your case heard fresh by a circuit court judge as though the proceeding below never occurred. That is a form of redress. It is not a review of what happened in the proceeding below. The judge's conduct, the rulings on your objections, the specific way the law was applied to you on that day— none of it is documented. None of it exists to appeal. You cannot challenge a judge's application of the law in your specific case if the law was applied in a room that left no official account of itself. The only available constitutional challenge was to the ordinance itself; not to how it was being used against you, in that room, on that day, in ways that may have had nothing to do with the law as written. That kind of accountability—specific, documented, judicial accountability for what a judge actually did— did not exist in Eugene Municipal Court. The no-record status wasn't incidental to how power operated in that courtroom. It was how power operated in that courtroom.

I accumulated over \$10,000 in fines finding this out. I stood before that court more times than I care to number. I stood before the Eugene City Council and asked, explicitly, for transparency at the municipal court. I worked with the Civil Liberties Defense Center to challenge the constitutionality of a curfew imposed at the Wayne Morse Free Speech Plaza, a name that deserves a long, slow read if the irony hasn't landed yet. The Oregon Supreme Court declined to hear the case. My conviction stood. And the court I had stood in kept no record of any of it.

I am not telling you this for sympathy. I am telling you this because last week , February 24, 2026, the Eugene City Council voted to change it.

The city's stated reason was administrative efficiency. Making the municipal court a court of record, they said, will reduce a backlog of misdemeanor cases before the Lane County Circuit Court. Too many people were exercising their right to de novo appeal, and the bottleneck upstream was getting unmanageable. The solution: give the municipal court an actual record so that appeals address what happened in the proceeding below, rather than bypassing it entirely.

That is a legitimate reason. It is also not the most important reason.

The most important reason is that a court which keeps no record of its proceedings is, by definition, a court that cannot be held accountable for them. In a country where equal protection under the law is the foundational promise, not the exception, running a court on the theory that its proceedings leave no official trace is not a technicality. It is a structural decision about who deserves accountability and who does not. The people who cycled through Eugene Municipal Court on camping citations and trespass tickets and curfew violations were not wealthy defendants with constitutional lawyers on retainer. They were, in the main, the people the city had decided it could afford not to protect.

The court kept no record. The city retained no obligation to answer for what happened there. Oregon created the mechanism to change that in 2007. Eugene never filed.

One thing I want to be precise about. The February 24th vote does not undo what the court failed to preserve over the years it operated without a record. It does not restore the proceedings that evaporated. It does not reach back and give voice to the people who stood before a judge, made their arguments in good faith, and watched those arguments disappear into a room that left no official account of itself. That

work, the people who showed up anyway, who fought the unconstitutional camping bans and the park suspensions and the curfews at the free speech plazas, who accumulated fines in five figures demanding that the rule of law apply to them as it applied to everyone else— that work happened without a record. It will not appear in any archive.

The vote came 27 months after I died. I did not see it. The arguments I made in that court still do not exist on paper. What I know is that the court had a chance to preserve them and chose, for its entire operational life, not to.

But the vote happened. And that matters, not because it vindicates anything, because accountability is not vindication— but because the city has now acknowledged, in the plainest possible bureaucratic terms, that the people who appear before its court deserve a record of what happens to them there. That is a low bar. It is also a bar that Eugene Municipal Court was not clearing before last Tuesday.

And Eugene is not the only place this is happening. Oregon has more than two hundred incorporated cities. Of those, exactly nine municipal courts have ever filed the declaration with the Oregon Supreme Court that makes them courts of record. Nine. The state capital, Salem, is not among them. Bend is not among them. Across Oregon, the default condition of a municipal court is no transcript, no preserved findings, no official account of what happened to the person who stood before the judge and tried to argue their rights. The people cycling through those courts on camping citations and park exclusions and trespass tickets are standing in the same room I stood in. Making the same arguments into the same absence. Eugene, until last Tuesday, was one of more than two hundred thirty Oregon cities where that absence was the rule. It is now, slowly, bureaucratically, for reasons of administrative efficiency the city found more compelling than the rights of defendants becoming the exception.

It is not enough.

*Written from the perspective of Eric Jackson (1966-2023), from
the words of Max Jackson*