

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,

Plaintiff,

vs.

No. C130935CR (DA 310247)
No. C053243CR (DA 208333)
No. 23CR16895 (DA 420661)

SCOTT GARNETT BOYD,
CARLOS SMITH,
JEFFREY MICHAEL APPLGATE,

Defendants.

DECLARATION OF ROBERT HARRIS

I, Robert J. Harris, make the following declaration in support of the State's Motion to Identify Defense Counsel Without Delay and Increase Defense Attorney Compensation:

1. I am a license attorney in good standing with the Oregon State Bar, have been so since 1987, though I have gone to inactive status May 1, 2023. Criminal law has always been one of my areas of focus since my date of admission.
2. I served as managing shareholder of Harris Velazquez Gibbons (formerly Harris Law Firm and referenced as "the firm" hereafter) for over 25 years. I was of counsel to the firm in June, 2022 until June, 2023, and am I still currently acting as the executive director of the Oregon Defense Attorney Consortium, Inc. I remain active in the Washington County legal community.
3. During my management of the firm and continuing after my departure, the firm attorneys practiced extensively in the field of indigent criminal defense, operating as a major provider of indigent defense services in Washington County Circuit Court. To that end I am familiar with the legal and administrative framework underpinning the appointment and compensation of indigent

1 defense counsel in Oregon. The firm also has provided and continues to provide legal
2 representation to criminal defendants that privately retain the firm's services, and I am familiar
3 with the local market for such services.

- 4 4. I am familiar with the public defense crisis in Oregon, and I am aware that there are dozens of
5 defendants in Washington County currently facing criminal charges without representation.
6 These include the defendants in the instant cases.
- 7 5. I know the compensation rate for indigent defense is set by the Office Public Defense Services
8 (OPDS), and I believe that the hourly rate set by OPDS for complex or difficult cases is
9 inadequate. I know the hourly rate set by OPDS in such cases to be substantially lower than that
10 paid by privately retained clients in similar cases.
- 11 6. I know that OPDS has been unable to identify defense counsel able to represent the defendants at
12 the current hourly rate.
- 13 7. I know there are defense attorneys in Washington County that are qualified to represent the
14 defendants, and that those attorneys may be able to accept these cases if compensated at a higher
15 rate than offered by OPDS.
- 16 8. I am familiar with the content of the State's requested order and I believe that the proposed
17 structure of compensation increases is likely to lead to qualified defense counsel accepting
18 appointment to these cases.

19
20 Date: 6/9/23

21 

22 Robert J. Harris
23 Oregon State Bar #874083
(Inactive)