

## Faulk, Camilla

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**From:** Gilbert Levy [gil@glevylawyer.com]  
**Sent:** Wednesday, October 05, 2011 4:09 PM  
**To:** Faulk, Camilla  
**Cc:** 'Mark Larranaga'  
**Subject:** Comment on New Proposed Standard for Death Penalty Qualification

The Rules should permit those seeking qualification under the standard to qualify on the basis of substantially equivalent credentials. For example, while I have not recently been lead counsel in a State aggravated murder case, I have been lead counsel in two federal homicide cases in which the defendants were death eligible. Both cases involved a potential sentence of life without parole. Also, I have submitted numerous mitigation packages in connection with post conviction and habeas petitions although I have not recently submitted a mitigation package for a case that is pending trial. Also, there should be some opportunity for review by the Court if the applicant's credentials are rejected.

The other problem with the proposed standard is that it unreasonably limits the talent pool to those employed by defender agencies to the exclusion of the private criminal defense bar. At least in King County, the only attorneys doing capital trials on a regular basis are those who are employed by the defender agencies. Private defense counsel with substantially equivalent credentials should be permitted to qualify under the standard.

Thank you for your consideration.