

# APPLICATION FOR GUARDIAN AD LITEM REGISTRY

## Guardianship/Probate/Trust – Title 11

Mail or deliver the completed application, with all attachments, to:

**Kitsap County Superior Court Administrator**  
**614 Division Street, MS-24**  
**Port Orchard, WA 98366**

Name: Andrew L. Benjamin  
Business Name or Firm: Benjamin Law Group  
Business Address: 4616 - 25th Ave NE, #311  
City and State: Seattle, WA Zip Code: 98105  
Business Phone: (206) 622-8953 Fax: (206) 622-1365  
Email Address: abenjamin@benjlaw.com

- Non-Attorney  Attorney WSBA or Washington State Certification No: WSBA #15223
- I am willing to serve as a Guardian ad Litem for Guardianships at public expense.
- I have no pending investigations or action against me involving felony allegations, professional certification or license suspension and/or revocation.
- I agree to advise the court immediately in the event of any complaint, investigation or action being commenced which could lead to professional discipline, or the suspension or revocation of my professional license, or to the filing of criminal charges for felony or crime involving allegations of theft, dishonesty or moral turpitude.
- I have read and agree to be bound by the Kitsap County Superior Court Guardian ad Litem Registry Code of Conduct.

Summary of my experiences as a GAL including years of experience and number of appointments.

I have served as a GAL continuously since 1987 in over 350 cases in King, Snohomish, and Kitsap counties. Over 180 of the cases were related to guardianship/probate/trust.

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Number of times serving as a Guardian as Litem that I have been removed for failure to perform my duties as a Guardian ad Litem: None

I include the following with my application (please check all applicable boxes):

- Curriculum vitae, showing work and professional or personal experience in or related to the field that would assist in the performance and completion of Guardian ad Litem duties;
- Completed Washington State Patrol Conviction Criminal History;
- Signed release of information directed to all professional regulatory bodies which have licensed or supervised the applicant within the last ten years;
- Copies of any any professional complaints, investigations or disciplinary actions, lawsuits or professional liability claims filed, whether pending or completed, including a statement for each setting out the current status and any applicable response to said claims;
- Copies of any order for removal of the Guardian ad Litem prior to completion of the Guardian ad Litem's duties;
- Description of any claims or litigation that has been commenced, involving allegations of improper fee charges, charges of fraud, theft or other forms of dishonesty or professional malpractice or misconduct;
- Copy of fee schedule;

**AND, EITHER**


- Certificate of Qualification/Training for Guardian ad Litem seeking appointment under RCW Title 11,

**OR**

- I am currently on the Guardian ad Litem Registry and have included a certificate of updated training taken within the last year

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: 4/30/09

  
\_\_\_\_\_  
Signature of Applicant

Seattle  
\_\_\_\_\_  
City Where Signed

: Andrew L. Benjamin  
\_\_\_\_\_  
Printed Name

# Andrew L. Benjamin

Attorney at Law

W.S.B.A. #15223; Admitted: November 4, 1985

4616 – 25<sup>th</sup> Ave NE, #311

Seattle, WA 98105

Telephone: (206) 622-8953

Facsimile: (206) 622-1365

Email: [abenjamin@benjlaw.com](mailto:abenjamin@benjlaw.com)

Website: <http://www.benjlaw.com/>

## Legal Employment

<b>Benjamin Law Group, PLLC</b>	2006-Present
<i>Areas of Practice:</i>	
<i>Litigation—Personal Injury, Professional Malpractice and Consumer Protection</i>	
<i>Estates—Guardianship, Probate, Wills, Fiduciary Litigation</i>	
<i>Family Law—Dissolution, Parenting, Child Support and Paternity</i>	
<b>Andrew L. Benjamin, PLLC</b>	2005-2006
<b>Benjamin &amp; Johansen Law Partnership</b>	1994-2004
<b>Law Offices of Andrew L. Benjamin</b>	1986-1994

## Non-Legal Employment

<b>Union Standard Ins. Co.—Austin, TX—Insurance Adjuster</b>	1980-1981
<b>Liberty Mutual Ins. Co.—Houston, TX—Insurance Adjuster</b>	1979-1980

## Education

<b>Certificate, Professional Mediation Skills Training Program</b>	2008
<b>University of Washington School of Law</b>	
<b>J.D., University of Houston</b>	1983-1984
<i>Houston Law Review</i>	1984
<i>Order of the Barons Scholastic Honor Society</i>	1984
<b>South Texas College of Law</b>	1982-1983
<i>Houston, TX</i>	
<b>B.A., University of Texas at Austin</b>	1979

## Honors, Memberships

<b>Family Law Settlement Conference Master, King County Superior Court</b>	1997-Present
<b>Estate Planning Council of Greater Seattle</b>	1997-Present
<b>Pro Bono Publico Service Commendation, WSBA</b>	2008
<b>Random Acts of Professionalism Award, WSBA</b>	2005
<b>Annual Convention/Seminar Chair, WSTLA</b>	1996
<b>THE BEST LAWYERS IN AMERICA, Washington State (Legal Malpractice)</b>	1995
<b>Board of Governors, Washington State Trial Lawyers (WSTLA)</b>	1993-1995
<b>Chair, Young Lawyers' Section, WSTLA</b>	1993-1995
<b>Special President's Award, WSTLA</b>	1994

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SUPERIOR COURT OF WASHINGTON FOR KITSAP COUNTY

NO.

**STATEMENT OF ANDREW L.  
BENJAMIN RE HIS  
QUALIFICATION FOR SERVICE AS  
GUARDIAN AD LITEM**

Andrew L. Benjamin states as follows: This declaration is presented as required by RCW 11.88.090(3)(b)(i) and ESSB 6257, Ch. 249, 1996 Session Laws.

Requisite areas of knowledge, training and experience are detailed below:

**1. The needs of impaired elderly:**

Completion of *Guardian Ad Litem* Training Program. Service as *guardian ad litem* in this area since 1987. Familiarity with interviewing the elderly. Familiarity with medical conditions of elderly such as Alzheimer's and non-medical problems of aging, including functional capacities, incapacities and needs as described in the *Guardian Ad Litem* Handbook.

**2. The needs of persons with physical disabilities:**

Completion of *Guardian Ad Litem* Training Program. Service as *guardian ad litem* in this area since 1987. Familiarity with the capacities, incapacities, and needs described in the *Guardian Ad Litem* Handbook.

**3. The needs of persons with mental illness:**

Completion of *Guardian Ad Litem* Training Program. Service as *guardian ad litem* in this area since 1987. Familiarity with the capacities, incapacities, and needs described in the *Guardian Ad Litem* Handbook.

**4. The needs of persons with developmental disabilities:**

Completion of *Guardian Ad Litem* Training Program. Service as *guardian ad litem* in this area since 1987. Familiarity with the capacities, incapacities, and needs described in the *Guardian Ad Litem* Handbook.

**5. Other areas relevant to the needs of incapacitated persons:**

Legal training and experience with alternatives to guardianship. In probate practice, have drafted wills, powers of attorney, trusts, and directives to physicians. Am

Statement of Andrew L. Benjamin re  
Qualification for Service as GAL - 1 of 2

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1 familiar with services and resources provided by outside agencies to assist  
2 incapacitated persons and their families. Am familiar with guardianship when only  
incapacity is minority of alleged incapacitated person.

3 **6. Legal procedure:**

4 Private practice since 1987 including the fields of probate, elder law, guardianship,  
5 domestic relations, and personal injury. Have been involved in cases requiring  
6 extensive legal research of common law and statutory duties and rights surrounding  
7 guardianship. Have tried cases involving guardian and fiduciary breach of  
8 duties/conflict of interests in the Superior Court and U.S. Bankruptcy Court.

9 **7. The requirements of Chapter(s) 11.88 and 11.92 RCW:**

10 Am familiar with the above statutes. Have read and am familiar with the changes  
11 enacted in ESSB 6257, Ch. 249, 1996 Session Laws. Have had *guardian ad litem*  
12 training courses under the Washington State Bar Association and Seattle-King  
13 County Bar Association.

14 **8. Formal education:** Bachelor of Arts, University of Texas, 1979; Juris Doctorate,  
15 University of Houston, 1984.

16 **9. Number and counties of appointment (as of 04/29/2009):**

17 King, Kitsap, and Snohomish County Superior Courts: 357.

18 **10. Criminal history/number of times removed:**

19 I have not been convicted of any crime. I have never been removed as *Guardian ad*  
20 *Litem*, whether for failure to perform my duties or otherwise.

21 **11. Guardian ad Litem training CLE programs:**

22 I have successfully completed the following approved GAL training CLE programs:

23 Date training completed (sponsoring agency)

24 7/9/91(WSBA), 11/18/92 (KCBA), 3/7-8/95 (KCBA), 5/10/96 (KCBA), 5/28-29/98  
25 (KCBA), 5/14/99 (KCBA), 5/12/00 (KCBA), 5/11/01 (KCBA), 5/10/02 (KCBA), 11/6/02  
26 (KCBA), 5/9/03 (KCBA), 5/21/04 (KCBA), 10/8/04 (KCBA), 5/13/05 (KCBA), 5/5/06  
(KCBA), 6/2006 (Snohomish County Superior Court), 5/4/07 (KCBA), 4/24/08 (Kitsap  
County Superior Court), 4/24/09 (KCBA)

12. I charge \$250 per hour as Guardian ad Litem. I am will to reduce my rate in  
accordance with the Order of Appointment.

13. I have had no contact with any party prior to my appointment and do not perceive  
that I have an actual or potential conflict of interest in this case.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF  
WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED this 30<sup>th</sup> day of April, 2009, at Seattle, Washington.

  
ANDREW L. BENJAMIN, WSBA# 15223

Statement of Andrew L. Benjamin re  
Qualification for Service as GAL - 2 of 2

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# ***Certificate of Completion***

**King County Bar Association**

**Andrew Benjamin**

**2009 Washington State  
RCW 11.88.090 *Guardianship*  
Guardian ad Litem Training**

**Re-Certification, April 24, 2009**

April 24, 2009: 5.50 General & 1.00 Ethics for a Total of 6.50 CLE Credits Approved (approval # 227 029)

5.75 Certified Professional Guardian Credits Approved for April 24, 2009 (4.75 General & 1.00 Ethics)



Roxanne Mennes, Education Director, King County Bar Association

In 2002, I received a Censure (lowest level of discipline) in a stipulation with the Washington State Bar Association. Ms. M's grievance asserted a failure to timely file suit, to communicate with the client regarding the statute of limitations, and to advise the client to seek independent counsel regarding a revised fee agreement.

On March 10, 1995, Ms. M was rear-ended, causing extremely minor damage to the car and *de minimus* personal injury to her. On April 30, Ms. M went to my office for legal advice about her case, and I advised her that the case was probably worth at most \$2,000 to \$3,000. Ms. M decided to reject a prior settlement offer of \$500 from the insurance company and hired me on a contingent fee to try to obtain more. More significant than the modest injury claim was her own personal injury protection insurer's failure to pay her claim. I agreed to help her get those medical bills paid at no additional charge.

Throughout 1996, Ms. M received physical-therapy treatments for injuries related to the accident. Ms. M mailed letters to Mr. Benjamin on December 14, 1996 and May 23, 1997, asking when her medical bills would be paid.

In April 1997, the insurance company wrote me saying that the \$500 settlement offer was still open. After learning that the insurance company would not improve its \$500 offer, I only verbally informed Ms. M that the claim would not be pursued by my office; however, Ms. M disputed this years later. Even though I withdrew on the tort case, I told Ms. M that I would continue to help get her medical expenses paid by her insurer. Ms. M's correspondence thereafter focused solely on the payment of medical bills, until mid-1998, when she included a short reference to a "settlement" at the end of one such letter.

In response to that comment, I contacted Ms. M on June 29, 1998 and told her that the statute of limitations had expired in March 1998 and reminded her that I was not handling the tort case. I set up an appointment for July 1, 1998 to discuss the client's still unpaid medical bills and the expired statute of limitations. During this appointment, I told the client that I would work to have their medical expenses covered, but would not do so without written clarification that I had owed her no duty for the tort claim.

I asked Ms. M and her husband to sign a revised fee agreement and release. The agreement obligated me to pursue payment of Ms. M's medical bills at no charge in exchange for a release from liability for the statute of limitations. Ms. M and her husband signed the revised agreement during the meeting. The client was advised in writing that she was entitled to independent counsel and afforded time for such if desired. The client was not, however, told that such counsel would be "appropriate."

I stipulated to a Censure and paid \$2,000 to the client, the most she could have expected to recover under the tort case's fee agreement. The Stipulation states that my conduct violated RPCs 1.3, requiring lawyers to act with reasonable diligence; and 1.8(h)(2), requiring lawyers not to make agreements limiting prospective liability to a client unless the client is advised in writing of the desirability of and an opportunity to engage independent counsel. Since this event, this office withdraws only in writing to the client.



## Web Search No Match Found Report

Washington State Patrol  
Identification and Criminal History Section  
P.O. Box 42633  
Olympia, Washington 98504-2633  
Telephone (360) 534-2000

### THE FOLLOWING WEB SEARCH NO MATCH FOUND REPORT IS FURNISHED FOR OFFICIAL USE ONLY

This report was generated from a transaction run on 04/28/2009 at 14:10  
Conviction Criminal History RCW 10.97.050(1)

Pursuant to the purpose of inquiry, NO EXACT MATCH was found in the Washington State Criminal History Repository based on the descriptors provided:

**BENJAMIN,ANDREW LEE**

This may mean that the person you searched for has no criminal conviction record OR that your search criteria did not match the spelling of the person's name or date of birth.

Positive identification or non-identification in the Washington State Patrol's database, can only be determined by fingerprint comparison.