

After referral from Judge Kelly, the undersigned endeavored to structure and conduct a hearing that addressed, and appropriately resolved, any due process concerns raised by Ms. Marino in the *Eby Letter*.⁶ At her request, Ms. Marino was extended the opportunity to offer a *Proposed Consent Decree* (Index #10), however, her proposal was not accepted by the Chief Administrative Judge. See Index #13. Finally, Ms. Marino, by virtue of the hearings removing her as guardian in the J.L. and M.P. matters, her subsequent appeals to the New Hampshire Supreme Court, and the *Kelly Letter*, is seen as having received adequate notice of the alleged violations of Circuit Court Administrative Order 16, the applicable law, and the alleged facts underlying those charges. See Kelly Letter (Index #1). A hearing was held on March 16, 2016 during which only Ms. Marino testified, and pursuant to which, extensive exhibits were entered by her into the record.⁷ As a result of the inquiry and review of court records, that undersigned gleans and relates the following observations.

A) Guardianship of M. P.

First a brief review is in order of the findings of the Probate Division, No. 317-2011-00490, and New Hampshire Supreme Court, No. 2014-0655,⁸ concerning violations of professional standards by Ms. Marino during her term as guardian for M.P.,

⁶ The Scheduling/Structuring Orders dated November 24, 2015 and December 23, 2015 are incorporated within by reference. See Index ## 4 & 6.

⁷ On agreement of Ms. Marino through her counsel, see Structuring and Scheduling Orders at 2 (Dec. 22, 2015)(Index #6), the undersigned contacted various court personnel "regarding any history of removal, discipline, or other orders calling into question the nature of her performance as a professional guardian." Id. As the predominant reason for such inquiry was to gauge whether the M.P. and J.L. matters were reflective of a broader pattern of lapses and/or infractions, and given precious judicial time and resources that would otherwise need to be expended, my review of other records was abbreviated and limited. As such, both Judge Kelly and a reviewing court should not view the discussion today as suggesting or reflecting that an exhaustive or even comprehensive inquiry was undertaken. To the limited extent the undersigned endeavored to review her performance history, or was made aware of other issues, Ms. Marino was allowed at hearing to address any concerns I had.

⁸ Those orders are incorporated by reference. Unless otherwise noted, all references to the record in this Section A are to the Probate Division record, No. 317-2011-GI-00490.