

Next the undersigned considers the concern of consequential injury to the wards. In the J.L. matter, the \$4,900 that Ms. Marino paid herself is not, in a vacuum, a princely sum. However, J.L. was deemed indigent, and as such, in a relative sense it caused serious injury to him.³⁶ Similarly, seeking prepayment of \$350 a month for fees ultimately deemed, for the most part, unreasonably charged, would have deprived him of precious income as an indigent person. In addition, the undersigned observes that serious sanctions have been imposed on attorneys for mishandling of funds totaling less than \$10,000. See *In re Farley's Case*, 147 N.H. 476, 477 (2002)(attorney was out of trust for approximately \$3,000). In the M.P. matter, although her injury may not have been economic, she was, with "callous disregard" robbed of personal integrity and she lost treasured daily contact with the one individual with whom she was then most attached and in fact, provided more love and support than her own family.³⁷

The undersigned now considers aggravating and mitigating factors. In mitigation Ms. Marino offers the fact that she does not have an extensive history of disciplinary actions and this appears to be the case. In addition, under suggestive questioning from her counsel she offered that she is remorseful. The undersigned does not doubt that she showed remorse during its hearing; however, after review of the pleadings and transcript in M.P., and as evidenced in the multiple motions for reconsideration and transcript provided in J.L., I discern little display of remorse before the trial court.

³⁶ Ms. Marino justifies this payment as an attempt to "spend down" his assets so as not to endanger his indigent status. She did not, however, completely inform the undersigned why other options for the "spend down" that more directly benefitted J.L. were not considered.

³⁷ As such, I cannot agree with counsel's closing argument at the hearing that Ms. Marino's "missteps" resulted in no direct harm to J.L. and M.P.