

authorization of the payment of attorney's fees, and subsequent lack of reporting, raises at best competency concerns, and at worse concerns about her professional ethics.

Finally, during the hearing, Ms. Marino addressed the attempt to bill a \$1,100 flat fee for what the trial court had discerned to be services as guardian over the person. See Exh. 37. According to Judge King's Order on Guardian's Third Motion for Reconsideration at 5-6 (Index #60) and the court file, see *Motion for Reconsideration* ¶28 (Index #57), Ms. Marino reported that the entry was a "typo" and she meant to charge for "mileage" rather than a "monthly fee" as recited. Judge King did not find that offering credible. See Order on Third Motion for Reconsideration at 5 (Index #60). At the disciplinary hearing Ms. Marino initially attempted to explain the asserted "typo" differently. Initially she attributed it to erroneously typing "con" that prompted her QuickBooks billing program to print "consulting" rather "copying," which would have been printed if the correct typing prompt of "cop" had been entered. Yet, when queried further by the undersigned for clarification given my then present inability to locate exhibit admitted documentation and what struck me as a rather large charge for copies, Ms. Marino responded by offering that it was her erroneous typing of the wrong prompt for "mileage" that caused the billing program to print "monthly fee." Wholly apart from the finality of the trial court's ruling on her credibility based on her pled explanation, the absence of any explication for how the prompts "con" or "cop," for that matter should cause "mileage" to be entered on the invoice, the inconsistency between what she pled in her *Motion for Reconsideration* and testimony at the disciplinary hearing leaves the undersigned dubious of her proffer. In addition, the undersigned is disturbed that the invoice included in Exhibit 37 "was only produced at the insistence of the [trial] court" in

February, months after her original request for approval of additional fees. As such, without searching court inquiry, "this \$1,100 would have been paid without anyone knowing the difference." Order on Guardian's Third Motion for Reconsideration at 5 (Index #60). Again, this matter, at best, reflects poorly on Ms. Marino's bookkeeping acuity and at worst, reflects a certain inability or unwillingness to be forthright.

In sum, the undersigned is significantly bothered and deeply concerned by the events that unfolded in the J.L. guardianship. I accept, as I must, the Probate Division's multiple findings that Ms. Marino violated numerous court rules, an administrative order specifically pertaining to professional guardians, and NGA Standards. However, for purposes of recommending a sanction, I find no factors in mitigation as these were serious financial offenses that can only be explained as either significant lapses of professional competence, or, a more sinister pattern of intentionally enriching herself and others from the limited resources of her ward.

#### C) Other Instances of Questionable Professional Judgment

Although the undersigned was charged with evaluating and recommending a proper sanction for the Probate Division's findings in M.P. and J.L., it was agreed by Ms. Marino and her counsel that I, with assistance of staff, could inquire from other probate divisions about instances where Ms. Marino may have been removed or otherwise sanctioned as guardian. As already mentioned, although only a rather cursory and limited review was conducted, and as such, the notes below should not be considered conclusive or exhaustive in scope, I find the following instances of concern.

##### i) Guardianship of W.R.

This matter involves a developmentally disabled gentleman who became ill and