

was apparently on life support in June 2010. Ms. Marino petitioned and was court appointed guardian over his person and estate as his wife, A.R., who is also disabled, was unable to make decisions for her husband. See Guardianship/Conservatorship of W.R., No. 317-2010-GI-00444. W.R. eventually recovered and on November 29, 2010, Ms. Marino petitioned to terminate the guardianship. Id. (Index #15).²⁷ That petition was granted and the guardianship terminated on January 27, 2011. Id.

The matter recently came to the attention of Probate Division staff after W.R. approached staff seeking documents from the file held by that court. Upon review of the file, the clerk noticed certain irregularities in the file that eventually were brought to the attention of the undersigned. A review of these irregularities calls into question the professional competence, or at least basic diligence, of Ms. Marino as a guardian.

Specifically, in December 2010, while the guardianship was still pending, Ms. Marino was appointed agent under a general power of attorney granted by W.R. The document was signed by her ward, W.R., witnessed by his challenged wife, and notarized by Ms. Marino herself. This execution method is remarkably inappropriate given the conflicts of interest inherent to her role as designated agent and administering notary, if nothing else. Moreover, it does not appear to include the statutory disclosures and acknowledgments required by RSA 506:6, VI & VII necessary before an agent might act pursuant to a power of attorney applicable at the time it was executed.

As such, it is clear that not only would this document likely be ineffective, but the practice of notarizing her own appointment, see 58 Am.Jur. 2d NOTARIES PUBLIC §13 at

²⁷ All index numbers in this Section C(i) refer to Guardianship/Conservatorship of W.R., No. 317-2010-GI-00444 unless otherwise noted.