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FILED
JUL 28 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

THE STATE BAR COURT

HEARING DEPARTMENT—LOS ANGELES

In the Matter of: Brenda Lynn McCune, A Member of the State Bar [MEMBER No. 186945]	Case No.: 13-0-14806 Respondent's Answer to Notice of Disciplinary Charges

COMES NOW, Brenda Lynn McCune, responding to the State Bar's Notice of Disciplinary Charges:

I

AS TO JURISDICTION

Respondent admits and agrees to the jurisdictional assertions by the State Bar.

II

AS TO COUNT ONE
Business and Professions Code, rule 3-110(A)
[Failure to Perform with Competence]

Based upon information and belief, Respondent hereby denies generally and specifically each and every assertion set forth within Count One of the State Bar's Notice of Disciplinary Charges.

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III

AS TO COUNT TWO
Business and Professions Code, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

Based upon information and belief, Respondent hereby denies generally and specifically each and every assertion set forth within Count Two of the State Bar's Notice Of Disciplinary Charges.

IV

AS TO COUNT THREE
Business and Professions Code, rule 3-700(D)(1)
[Failure to Release File]

Based upon information and belief, Respondent hereby denies generally and specifically each and every assertion set forth within Count Three of the State Bar's Notice Of Disciplinary Charges.

V

AS TO COUNT FOUR

Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

Based upon information and belief, Respondent hereby denies generally and specifically each and every assertion set forth within Count Four of the State Bar's Notice Of Disciplinary Charges.

VI

AS TO COUNT FIVE
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

Based upon information and belief, Respondent hereby denies generally and specifically each and every assertion set forth within Count Five of the State Bar's Notice of Disciplinary Charges.

VII

AS TO MITIGATION

Respondent asserts that issues of mitigation exist as to each and every Count set forth within the State Bar's Notice Of Disciplinary Charges.

As to Count One: Respondent asserts that the evidence will show that Respondent in fact performed as required in a competent fashion. The evidence will not support that there was no willful violation of

the Rules of Professional Conduct.

As to Count Two: The evidence will support that Respondent earned the fees paid to her and that there was no requirement for her to refund any fees whatsoever to the complainant. Accordingly, there was no willful violation of the Rules of Professional Conduct.

As to Count Three: Respondent asserts that the evidence will show that she had no control over complainant's file when claimant allegedly requested his file. The evidence will further show that the complainant maintained a complete copy of his file at all times. Accordingly, there was no willful violation of the Rules of Professional Conduct.

As to Count Four: Respondent asserts that the evidence will show that in fact she did give the complainant an accounting of his paid fees and that accordingly, there was no willful violation of the Rules of Professional Conduct.

As to Count Five: Respondent asserts that she made a reasonable effort to cooperate with the State Bar in the investigation at bar. The evidence will not support a finding that Respondent failed to so cooperate with the State Bar investigation and accordingly, there was no willful violation of the Rules of Professional Conduct.

Respondent will present character evidence of her work and services pro bono, service to charity, charity service through her church, and character evidence by way of personal testimony of fellow officers of the court in her community. Respondent will also present evidence to support her contention that events and traumas in her life were such that she sustained severe emotional trauma and upset requiring professional care and treatment. As such, the trauma and upset in her life will serve as a mitigation to the charges brought by the State Bar.

Date: July 24, 2014

Respectfully Submitted,

By: John 'Jack' W. Nelson,
Attorney for Respondent

STATE OF CALIFORNIA
COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is 12437 Lewis Street, Suite 204, Garden Grove, California 92840.

On July 24, 2014, I served the foregoing document described as Respondent's Witness List on the interested parties to this action [ ] by placing true copies thereof in sealed envelopes addressed as stated on the attached mailing list [x] by placing [ ] the original [x] a true copy thereof enclosed in sealed envelopes addressed as follows:

State Bar Of California
Office of The Chief Trial Counsel
845 South Figueroa Street
Los Angeles, CA 90017
Attention: Mr. Hugh G. Radigan, Esq.

[x] BY MAIL

[ ] I deposited such envelope in the mail at Garden Grove, California. The envelope was mailed with postage thereon fully prepaid.

[x] As follows: I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Garden Grove, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on July 24, 2014 at Garden Grove, California.

[ ] BY PERSONAL SERVICE

I delivered such envelope by hand to the offices of the addressee.

Executed on _____ at Garden Grove, California.

[x] STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[ ] FEDERAL I declare I am employed in the office of a member of the bar of this court at whose direction the service was made.

John 'Jack' W. Nelson, Attorney for Respondent