

1 Rae Shirer  
2 SBN 167137  
3 3857 Birch Street #113  
4 Newport Beach, CA 92660  
5 Telephone: 657-333-2361  
6 Facsimile: 714-844-9121

7 Respondent in Pro Per

**FILED**

**OCT 07 2015**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

8 STATE BAR COURT  
9 HEARING DEPARTMENT – LOS ANGELES

10  
11 In the Matter of:

) Case No.: 15-O-11121

12 RAE DIANE SHIRER  
13 No. 167137,

) RESPONSE TO NOTICE OF  
) DISCIPLINARY CHARGES

14 A Member of the State Bar  
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18 In response to the Notice of Disciplinary Charges served by mail on August 25, 2015,  
19 Respondent answers, admits and/or denies as follows:

20 1. Respondent admits that she was admitted to the practice of law in the State of  
21 California on December 13, 1993, was a member at all times pertinent to the charges and is  
22 currently a member of the State Bar of California.

23 2. Respondent admits that she was employed by Michael Kent on January 14, 2014  
24 to perform legal services, namely the incorporation of Kent's organization, and to prepare  
25 applications for state and federal tax exempt status for that organization. Respondent denies that  
26 she intentionally, recklessly, or repeatedly failed to perform with competence in willful violation  
27 of the Rules of Professional Conduct.

28 3. Respondent admits that she failed to respond promptly to reasonable status

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RESPONSE TO NOTICE OF DISCIPLINARY CHARGES

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1 inquiries made by client Michael Kent as set forth in Count Two of the Notice of Disciplinary  
2 charges.

3 4. Respondent denies that she constructively terminated her employment by Michael  
4 Kent or that she failed to take any action on his behalf after March 12, 2014.

5 5. Respondent denies that she received advanced fees of \$2,500 from Michael Kent  
6 and responds that pursuant to a written fee agreement, payment of \$2,500 was a fixed fee earned  
7 in full upon performance of any material services. Respondent acknowledges receipt of \$450 for  
8 costs, held in the attorney-client trust account.

9 6. Respondent denies that she has failed to release all of client's papers and property  
10 to him, with the exception of \$450 to be released to him from the attorney-client trust account,.

11 7. Respondent admits that she failed to cooperate and participate in a disciplinary  
12 investigation, but denies that such conduct was willful within the meaning of Business and  
13 Professions Code, section 6068(i).

14 **STATEMENT OF MITIGATING FACTORS**

15 8. Respondent suffers from chronic, clinical depression which is generally well-  
16 managed. However, there are periods when the illness becomes acute. During these periods,  
17 Respondent needs additional support in her legal practice while overcoming acute illness.

18 9. Respondent continued to receive work referred to her by friends and other  
19 attorneys, including a fellow Rotarian who referred Michael Kent to her office.

20 10. On January 24, 2014, Mr. Kent hired Respondent for the work described in the  
21 Notice of Disciplinary action, including incorporation and preparation of tax exemption  
22 documents. Respondent completed all of the incorporation work as follows: Articles of  
23 Incorporation filed February 5, 2014; Initial Action of Incorporator and Minutes of Initial  
24 Meeting completed February 11, 2014; Statement of Information filed 2/18/14; Tax  
25 Identification Number obtained and draft Federal tax exemption application delivered to client  
26 with draft corporate bylaws on February 12, 2014. Client received a complete copy of all  
27 documents and correspondence as it was generated.

28 11. On March 10, 2014, Respondent's computer system malfunctioned. Although

1 many files were recovered, all "pdf" files, including draft applications and scanned, stored,  
2 documents were corrupted. Other files were renamed as numbers, with a "creation date" of  
3 March 10, 2014. In addition to the loss of files, Respondent needed to replace her computer  
4 equipment but had no funds whatsoever to do so.

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6 Dated: October 2, 2015

Respectfully submitted,

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9 Rae Shirer, #167137

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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I am a resident of the County of Orange, State of California. I am over the age of 18 and  
4 not a party to the within action; my mailing address is 3857 Birch Street #113, Newport Beach,  
5 CA 92660. On October 2, 2015 I served the foregoing document described as NOTICE OF  
6 DISCIPLINARY CHARGES, on the interested parties in this action by placing a true copy  
7 thereof enclosed in a sealed envelope addressed as follows:

8 Timothy G. Byer  
9 Deputy Trial Counsel  
10 State Bar of California  
11 845 South Figueroa Street  
12 Los Angeles, CA 90017-2515

13 Fax: 213-765-1319

14 I caused such envelope with postage fully prepaid to be placed in the United States mail  
15 at Costa Mesa, California.

16 I declare under penalty of perjury under the laws of the State of California that the above  
17 is true and correct.

18 Executed on October 2, 2015 at Costa Mesa, California.

19   
20 Kim DeBroux