

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
JOSEPH R. CARLUCCI, No. 172309  
DEPUTY CHIEF TRIAL COUNSEL  
MELANIE J. LAWRENCE, No. 230102  
ASSISTANT CHIEF TRIAL COUNSEL  
MURRAY B. GREENBERG, No. 142678  
SUPERVISING SENIOR TRIAL COUNSEL  
TIMOTHY G. BYER, No. 172472  
DEPUTY TRIAL COUNSEL  
845 South Figueroa Street  
Los Angeles, California 90017-2515  
Telephone: (213) 765-1325

**FILED**

**AUG 25 2015**  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of: ) Case No. 15-O-11121  
RAE DIANE SHIRER, )  
No. 167137, ) NOTICE OF DISCIPLINARY CHARGES  
A Member of the State Bar )

**NOTICE - FAILURE TO RESPOND!**

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE  
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT  
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**



1 The State Bar of California alleges:

2 JURISDICTION

3 1. RAE DIANE SHIRER ("Respondent") was admitted to the practice of law in the  
4 State of California on December 13, 1993, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-11121  
8 Rules of Professional Conduct, rule 3-110(A)  
9 [Failure to Perform with Competence]

10 2. On or about January 24, 2014, Michael Kent employed Respondent to perform  
11 legal services, namely to incorporate Kent's organization, and to prepare applications for state  
12 and federal tax exempt status for that organization, which Respondent intentionally, recklessly,  
13 or repeatedly failed to perform with competence, in willful violation of Rules of Professional  
14 Conduct, rule 3-110(A), by not preparing the tax exempt status applications.

15 COUNT TWO

16 Case No. 15-O-11121  
17 Business and Professions Code, section 6068(m)  
18 [Failure to Respond to Client Inquiries]

19 3. Respondent failed to respond promptly to reasonable status inquiries made by  
20 Respondent's client Michael Kent as follows: a written inquiry on or about June 30, 2014, ten  
21 telephonic inquiries between about November 3, 2014 and December 2, 2014, and three written  
22 inquiries on or about March 23, 2015, that Respondent received in a matter in which Respondent  
23 had agreed to provide legal services, in willful violation of Business and Professions Code,  
24 section 6068(m).

25 \\\  
26 \\\  
27 \\\  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT THREE

Case No. 15-O-11121  
Rules of Professional Conduct, rule 3-700(A)(2)  
[Improper Withdrawal from Employment]

4. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Michael Kent, by constructively terminating Respondent's employment on March 12, 2014, by failing to take any action on the client's behalf after her last communication to Kent on March 12, 2014, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT FOUR

Case No. 15-O-11121  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

5. On or about January 24, 2014, Respondent received on behalf of Respondent's client, Michael Kent, advanced fees in the sum of \$2,500 and advanced costs in the sum of \$450. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the termination of Respondent's employment on or about November 3, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FIVE

Case No. 15-O-11121  
Rules of Professional Conduct, rule 3-700(D)(1)  
[Failure to Release File]

6. Respondent failed to release promptly, after termination of Respondent's employment on or about March 12, 2014, to Respondent's client, Michael Kent, all of the client's papers and property following the client's request for the client's file on March 23, 2015, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

\\ \

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT SIX

Case No. 15-O-11121  
Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

7. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of April 27, 2015, and May 14, 2015, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 15-O-11121, in willful violation of Business and Professions Code, section 6068(i).

**NOTICE - INACTIVE ENROLLMENT!**

**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.**

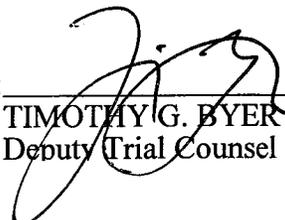
**NOTICE - COST ASSESSMENT!**

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: August 25, 2015

By:   
TIMOTHY G. BYER  
Deputy Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-O-11121

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 9414 7266 9904 2010 0689 90 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: Rae Diane Shirer, New Options Business Services, 3857 Birch Street # 113, Newport Beach, CA 92660, Electronic Address.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: August 25, 2015

SIGNED:

Handwritten signature of Jason Peralta, Jason Peralta Declarant