

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A
SUSPENDED MEMBER OF
THE STATE BAR OF ARIZONA,

JESSE SANTANA WULSIN,
Bar No. 025893

Applicant.

PDJ 2021-9006-R

**REPORT AND
RECOMMENDATION**

State Bar No. 19-3510-R

FILED August 20, 2021

On February 12, 2021, Jesse Santana Wulsin filed an application for reinstatement pursuant to Rule 65, Ariz. R. Sup. Ct. An in-person reinstatement hearing was held on July 23, 2021 before a hearing panel comprised of Presiding Disciplinary Judge Margaret H. Downie, attorney member Judge Maurice Portley (Ret.), and public member W. Keith Turner. Senior Bar Counsel David L. Sandweiss represented the State Bar of Arizona. Mr. Wulsin appeared and was represented by Nancy A. Greenlee.

The parties stipulated to a number of facts and exhibits. In addition, the following individuals testified at the hearing:

- Dr. Adrian Fletcher
- Steve Benedetto, Esq.
- Will Knight, Esq.
- John Wulsin
- Jesse Wulsin

At the conclusion of the hearing, bar counsel recommended that Mr. Wulsin be reinstated, subject to certain terms of probation. For the following reasons, the hearing panel also recommends that Mr. Wulsin be reinstated with terms of probation.

FINDINGS OF FACT

1. Mr. Wulsin was admitted to the State Bar of Arizona on January 7, 2008. By order of the Presiding Disciplinary Judge dated February 12, 2016, he was suspended for two years in PDJ 2015-9104 (State Bar File Nos 15-1619, 15-0817, and 15-0070).

2. In determining whether Mr. Wulsin has carried his burden of proof in these reinstatement proceedings, the hearing panel first considers the misconduct that led to his suspension. "The more egregious the misconduct the heavier an applicant's burden to prove his or her present fitness to practice law." *In re Robbins*, 172 Ariz. 255, 256 (1992).

3. In File No. 15-1619, Mr. Wulsin took over client Lee Olson's bankruptcy case from another lawyer but failed to advise Mr. Olson he had done so. Mr. Wulsin filed a bankruptcy petition on behalf of Mr. Olson but did no work thereafter. Mr. Wulsin later failed to respond to the bar charge filed by Mr. Olson or to follow-up requests for information by the State Bar. He was ordered to pay restitution to Mr. Olson in the sum of \$1,000. Mr. Olson collected from the Client Protection Fund (CPF), which Mr. Wulsin reimbursed in February of 2021.

4. In File No. 15-0817, Mr. Wulsin represented Dave Eddy in a property dispute from July of 2014 until October of 2014, when he stopped communicating with his client. Mr. Wulsin failed to appear at a hearing in February of 2015, which nearly

caused the matter to be dismissed. Mr. Eddy hired another attorney to finish the case. Mr. Wulsin failed to respond to the bar charge filed by Mr. Eddy or to subsequent requests for information by the State Bar. He was ordered to pay restitution of \$3,000 to Mr. Eddy, who collected from the CPF. Mr. Wulsin reimbursed the CPF in February of 2021.

5. In File No. 15-0700, Mr. Wulsin represented Jeffrey Matz. He made one court appearance and then stopped communicating with his client. Mr. Wulsin failed to return Mr. Matz's client file. He also failed to respond to the bar charge filed by Mr. Matz or to subsequent requests for information by the State Bar. Mr. Wulsin was ordered to pay restitution of \$500 to Mr. Matz. Because Mr. Matz is deceased, Mr. Wulsin has placed \$500 in his lawyer's trust account. He has asked an investigator to locate Mr. Matz's heirs and will pay the \$500 once an appropriate recipient is identified.

6. In 2016, the Attorney Discipline Probable Cause Committee ordered Mr. Wulsin to pay restitution in the sum of \$3,562 to client Mark Krems in State Bar File No. 15-2903. After a State Bar investigator brought this restitution order to Mr. Wulsin's attention during the reinstatement process, he paid restitution to Mr. Krems.

7. This is Mr. Wulsin's first application for reinstatement. He has provided all information and documentation required by Rule 65(a). While suspended, he has not been a party to civil litigation, allegations of fraud, or employment-related disciplinary action.

8. To prove rehabilitation, Mr. Wulson must “establish by clear and convincing evidence that he has identified just what weaknesses caused the misconduct and then demonstrate that he has overcome those weaknesses.” *In re Arrotta*, 208 Ariz. 509, 513 (2004). Although the hearing panel does not necessarily view a diagnosed mental health condition as a “weakness,” as explained more fully *infra*, it finds that Mr. Wulson suffered from _____ during the 2014 - 2016 timeframe that caused him to neglect his clients and his obligations to the State Bar.

9. Dr. Adrian Fletcher is a licensed psychologist who began working with Mr. Wulson in 2017. As of the date of the reinstatement hearing, Mr. Wulson had participated in 106 therapy sessions with Dr. Fletcher.

REDACTED

10.

REDACTED

REDACTED

11.

REDACTED

12. Mr. Wulsin's father (John Wulsin) also testified at the reinstatement hearing.

REDACTED

REDACTED

John

Wulsin testified that his son is now doing well with his employment, is an involved and devoted family member, and maintains a stable relationship with his long-time significant other.

13. While suspended, Mr. Wulsin held several different types of employment, including working as a driver for UPS, at a call center, and, more recently, as a paralegal at the People's Law Firm. Mr. Wulsin's employer at the law firm is Steve Benedetto, whom he met in 2007 or 2008, when both men were employed at Fennemore Craig. Mr. Benedetto testified that he and Mr. Wulsin became close friends over time and socialized regularly. Beginning around 2013, though, Mr. Wulsin began withdrawing and was less responsive to friends.

REDACTED

14. In 2020, Mr. Benedetto again reached out and reconnected with Mr. Wulsin. They had lengthy, candid discussions about the mental health challenges Mr. Wulsin had been facing. They also had "conscious and deliberate" conversations about Mr. Wulsin coming to work for Mr. Benedetto's law firm as a litigation paralegal, which he did in the summer of 2020, starting with 20 hours per week and gradually increasing to 40 hours a week. Mr. Benedetto described Mr. Wulsin's work as "outstanding." He testified that if Mr. Wulsin is reinstated, he has a job with his firm as a lawyer.

15. Will Knight – another lawyer with the People's Law Firm – testified that he met Mr. Wulsin earlier this year when he became employed by the firm. Mr. Wulsin took

the initiative to get to know Mr. Knight and candidly explained his suspension and mental health challenges. Mr. Knight opined that Mr. Wulsin is “exceedingly competent” to resume the practice of law. As chair of the State Bar’s mentor program, Mr. Knight believes Mr. Wulsin would be an asset to that program, noting that many young lawyers struggle with mental health and professional challenges.

16. Mr. Wulsin provided credible and compelling testimony on his own behalf. He described his professional career, beginning in the civil litigation department at Fennemore Craig, where he remained for approximately five years.

REDACTED

17. Mr. Wulsin opened a solo practice. He testified that, in hindsight, he was “completely unprepared to be a solo.” The big firm infrastructure he had experienced since graduating from law school had insulated him from the day-to-day running of a law practice.

REDACTED

REDACTED

18. Mr. Wulsin :

recognizes the “weaknesses” that caused the misconduct underlying his suspension –

REDACTED

He expressed sincere remorse for the conduct that led to his suspension.

REDACTED

19. Mr. Wulsin established by clear and convincing evidence that he has been rehabilitated. *See* Rule 65(b)(2). He identified the weaknesses that caused his underlying misconduct, established to the hearing panel’s satisfaction that he has overcome those weaknesses, and demonstrated that he poses no threat to the public should he be reinstated to the practice of law. *See Arrotta*, 208 Ariz. at 513.

20. Mr. Wulsin has complied with all applicable discipline orders and rules. *See* Rule 65(b)(2). The only outstanding matter is the restitution order in favor of Jeffrey Matz, who is deceased. Mr. Wulsin is using an investigator to locate Mr. Matz’s heirs and will pay the \$500 currently on deposit in his lawyer’s trust account once an appropriate recipient is identified.

21. Mr. Wulsin is fit to practice law and possesses the moral qualifications to practice law. *See* Rule 65(b)(2).

22. Mr. Wulsin has maintained competence in the law and has demonstrated sufficient knowledge of the law. *See* Rule 65(b)(2). Earlier this year, he completed 15 hours of continuing legal education. While working for Mr. Benedetto, he has been exposed to both substantive law and the operational, day-to-day practice of law. He and his employer have been careful to ensure that his work duties are those of a paralegal and not a licensed attorney. Both Mr. Benedetto and Mr. Knight praised Mr. Wulsin's legal abilities, professionalism, and work ethic.

23. Mr. Wulsin's character and standing before his suspension were excellent. *See In re Spriggs*, 90 Ariz. 387, 388 n.1 (1962). Mr. Benedetto described Mr. Wulsin as "one of the kindest human beings I know." His integrity and moral compass have never been the problem.

REDACTED

CONCLUSIONS OF LAW

1. Mr. Wulsin has carried his burden of proving by clear and convincing evidence that he: (1) has been rehabilitated, (2) has complied with all applicable discipline orders and rules; (3) is fit to practice; and (4) is competent to practice law. Rule 65(b)(2).

CONCLUSION

The hearing panel was impressed by Mr. Wulsin's sincere and sustained efforts at identifying and addressing the underlying causes of the misconduct that led to his suspension from the practice of law. He did not minimize the misconduct and expressed genuine remorse for it. He presents as an articulate, intelligent, honest, self-aware individual who recognizes that, although he has made significant strides, he must remain vigilant and dedicated to the maintenance of his mental health.

The hearing panel recommends that Mr. Wulsin be reinstated to the practice of law in Arizona, subject to a two-year term of probation with the State Bar's Member Assistance Program (MAP). No MAP assessment is required. The terms of probation shall include: (1) continued counseling with Dr. Fletcher or a similarly qualified professional at least twice per month for the first six months, and at a frequency thereafter agreed to by Mr. Wulsin and the therapist; (2) continued treatment with Dr. Patel or a similarly qualified professional at least quarterly; (3) written MAP terms of probation that require, *inter alia*, quarterly reports of compliance and access to treatment information at the State Bar's request; and (4) should Mr. Wulsin become a solo practitioner or an owner/principal of a law firm during his term of probation, he shall enter into Law Office Management Assistance Program (LOMAP) terms of probation as well.

DATED this 20th day of August 2021.

/././

/s/ signature on file
Margaret H. Downie, Presiding Disciplinary Judge

/s/ signature on file
Judge Maurice Portley (Ret.), Attorney Member

/s/ signature on file
W. Keith Turner, Public Member

Copies of the foregoing emailed
this 20th day of August 2021 to:

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