

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2024 ND 176

In the Matter of the Application for Disciplinary Action Against Paul J.
Merkens, A Member of the Bar of the State of North Dakota

Disciplinary Board of the Supreme Court
of the State of North Dakota,

Petitioner

v.

Paul J. Merkens,

Respondent

No. 20240261

APPLICATION FOR INTERIM SUSPENSION

INTERIM SUSPENSION ORDERED

PER CURIAM.

[¶1] On September 18, 2024, an Application for Interim Suspension of Paul J. Merkens, a member of the Bar of North Dakota, was filed under N.D.R. Lawyer Discipl. 3.4, by Kara J. Erickson, Disciplinary Counsel. The Application and evidence indicated that Merkens' alcohol addiction/use has rendered him unfit to continue in his practice of law and provide representation to his current and potential future clients.

[¶2] N.D.R. Lawyer Discipl. 3.4 provides that upon the filing with the Court of evidence that a lawyer has committed misconduct or is disabled, and poses a substantial threat of irreparable harm to the public, the Court shall enter an order immediately suspending the lawyer pending final disposition of the disciplinary

proceedings predicated upon the conduct causing harm or may order other action as deemed appropriate given the situation.

[¶3] The Court is satisfied that the evidence presented is sufficient to demonstrate that Merkens is suffering from alcohol addiction which has compromised his ability to represent his current clients and renders him unfit to continue in the practice of law.

[¶4] Sufficient evidence is present that Merkens' immediate interim suspension is warranted and that his further participation in the practice of law poses a substantial threat of irreparable harm to the public.

[¶5] **ORDERED**, under N.D.R. Lawyer Discpl. 3.4, Paul J. Merkens license to practice law in North Dakota is **SUSPENDED** effective immediately and until further order of this Court, pending final disposition of the disciplinary or disability proceedings predicated upon the conduct causing the harm or a showing that his mental health and recovery has been restored to the extent necessary to provide competent representation to his clients.

[¶6] **IT IS FURTHER ORDERED**, Merkens be required to participate with the Lawyers Assistance Program during the course of this interim suspension pursuant to N.D.R. Lawyer Discipl. 3.4(B).

[¶7] **IT IS FURTHER ORDERED**, upon request by Merkens or disciplinary counsel the Court shall within ten days provide an opportunity for Merkens to demonstrate that the order should not remain in force.

[¶8] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa K. Fair McEvers
Jerod Tufte
Douglas A. Bahr