

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2025 ND 149

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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

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Nos. 20250300-20250302

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Application for disciplinary action.

TRANSFER TO INCAPACITY TO PRACTICE LAW STATUS.

Per Curiam.

[¶1] The Supreme Court has before it a report from a hearing panel of the disciplinary board recommending Paul J. Merkens be transferred from interim suspension to incapacitated status under N.D.R. Lawyer Discipl. 5.1(C). We adopt the hearing panel's findings and order Merkens be transferred to incapacitated status.

[¶2] Merkens was admitted to practice law in North Dakota on May 3, 2012. On September 26, 2024, Merkens's license was interim suspended pending final disposition of this disciplinary proceeding. *See Disciplinary Bd. v. Merkens*, 2024

ND 176, 11 N.W.3d 849. Merkens practiced law at Suhr/Merkens Law, PLLC, in Bismarck, North Dakota prior to his suspension.

[¶3] On May 30, 2025, the matter was referred to this Court under N.D.R. Lawyer Discipl. 3.1(F)(2) when the hearing panel filed findings of fact, conclusions of law, and recommendations for discipline. Merkens stipulated to transfer to disability incapacity status. Merkens acknowledged he would be permitted to petition to return to active status under N.D.R. Lawyer Discipl. 5.2 when he is able to establish that he has better management of his mental health and addiction recovery.

[¶4] The hearing panel's report was served on Merkens. Objections were due within 20 days of service of the report. No objections were received, and the matter was submitted to this Court for consideration. The Court considered the matter, and

[¶5] IT IS ORDERED that as outlined above, the findings of fact, conclusions of law, and recommendations by the hearing panel are adopted.

[¶6] IT IS FURTHER ORDERED that Paul J. Merkens is transferred from interim suspension to disability incapacity status under N.D.R. Lawyer Discipl. 5.1(C) until further order of this Court.

[¶7] IT IS FURTHER ORDERED that Merkens's interim suspension entered in *Disciplinary Bd. v. Merkens*, 2024 ND 176, 11 N.W.3d 849, is terminated.

[¶8] IT IS FURTHER ORDERED that Merkens comply with N.D.R. Lawyer Discipl. 6.3 regarding notice.

[¶9] IT IS FURTHER ORDERED that Merkens participate in the North Dakota Lawyers Assistance Program.

[¶10] IT IS FURTHER ORDERED that Merkens pay the costs and expenses incurred through the course of these proceedings in the amount of \$250, payable to the Secretary of the Disciplinary Board, 600 East Boulevard Avenue, Bismarck, North Dakota, 58505-0530.

[¶11] Jon J. Jensen, C.J.

Daniel J. Crothers

Lisa Fair McEvers

Jerod E. Tufte

Douglas A. Bahr