

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2026 ND 18

In the Matter of the Application for
Disciplinary Action Against David R.
Spencer, a person admitted to the Bar of
the State of North Dakota,

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

Petitioner

v.

David R. Spencer,

Respondent

Nos. 20250441-20250444

Application for disciplinary action.

DISBARMENT ORDERED.

Per Curiam.

Disciplinary Board v. Spencer
No. 20250441-20250444

Per Curiam.

[¶1] The Supreme Court has before it a report from a hearing panel of the disciplinary board recommending David R. Spencer be disbarred from the practice of law in North Dakota for violation of Rules 1.2, 1.3, 1.4, 1.16(a), 3.2, 3.3, 3.4 and 8.4 of the North Dakota Rules of Professional Conduct. We disbar Spencer and order him to pay \$250 in costs and expenses of the disciplinary proceeding, and to reimburse the North Dakota Client Protection Fund for any payments made to clients on his behalf.

[¶2] Spencer was admitted to practice law in North Dakota on September 26, 2014. Effective February 12, 2024, Spencer was suspended for 30 days with conditions, and placed on probation for a two-year period. *Disciplinary Bd. v. Spencer*, 2024 ND 28, 3 N.W.3d 122; *see also*, *Disciplinary Bd. v. Spencer*, 2024 ND 225, 003 N.W.3d 122. Effective February 27, 2025, Spencer's probation was revoked and he was suspended for six months and one day. *Disciplinary Bd. v. Spencer*, 2025 ND 49, 17 N.W.3d 846. He was subsequently disbarred in *Disciplinary Bd. v. Spencer*, 2026 ND 17.

[¶3] A hearing panel concluded Spencer's conduct violated N.D.R. Prof. Conduct 1.2, Scope of Representation and Allocation of Authority Between Client and Lawyer, in File Nos. 7080-W-2411, 7087-W-2411, and 7102-W-2411, by waiving client hearings in cases without the client's knowledge or consent; 1.3, Diligence, in File Nos. 7080-W-2411 and 7087-W-2411, by failing to act with reasonable diligence and promptness; 1.4, Communication, in File Nos. 7080-W-2411, 7081-W-2411, 7087-W-2411, and 7102-W-2411, by failing to keep the client reasonably informed about the status of a matter and by failing to respond to reasonable requests for information; 1.16(a), Declining or Terminating Representation, in File Nos. 7080-W-2411 and 7102-W-2411, by failing to withdraw from representation when his physical or mental condition materially impaired his ability to represent the client; 3.2, Expediting Litigation, in File Nos.

7081-W-2411 and 7087-W-241, by failing to make reasonable efforts to expedite litigation consistent with the interests of clients; 3.3, Candor Toward the Tribunal, in File Nos. 7080-W-2411 and 7102-W-2411, by making a false statement of fact or law to a tribunal; 3.4, Fairness to Opposing Party and Counsel, 7080-W-2411, 7081-W-2411, and 7102-W-2411, by knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; and 8.4, Misconduct, 7080-W-2411 and 7102-W-241, by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

[¶4] The panel recommended:

That Spencer be disbarred;

That Spencer be assessed the costs and expenses of the disciplinary proceedings in the amount of \$250.00, payable to the Secretary of the Disciplinary Board, Judicial Wing, 1st Floor, 600 East Boulevard Avenue, Dept. 180, Bismarck, ND 58505-0530.

That Spencer be required to comply with N.D.R. Lawyer Discipl. 6.3, regarding notice.

[¶5] The findings of fact, conclusions of law, and recommendations were served and forwarded to this Court. Objections were due within 20 days of service of the report. No objections were received, and the matter was submitted to the Court for consideration.

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

[¶7] IT IS FURTHER ORDERED, David R. Spencer is DISBARRED from the practice of law in North Dakota effective immediately.

[¶8] IT IS FURTHER ORDERED, Spencer pay the costs and expenses of these disciplinary proceedings in the amount of \$250, payable to the Secretary of the Disciplinary Board, 600 East Boulevard Avenue, Bismarck, North Dakota 58505-0530, within 30 days of entry of judgment.

[¶9] IT IS FURTHER ORDERED, for any amounts already paid by the North Dakota Client Protection Fund on Spencer's behalf, he make restitution within 90 days of entry of the judgment in this matter. For any amounts relating to this matter paid in the future by the North Dakota Client Protection Fund, Spencer make restitution to the Fund within 90 days of receiving notice payment was made.

[¶10] IT IS FURTHER ORDERED, any reinstatement is governed by N.D.R. Lawyer Discipl. 4.5 and cannot occur until at least five years from the effective date of disbarment and compliance with the conditions of this order.

[¶11] IT IS FURTHER ORDERED, Spencer comply with N.D.R. Lawyer Discipl. 6.3 regarding notice.

[¶12] Lisa Fair McEvers, C.J.

Daniel J. Crothers

Jerod E. Tufte

Jon J. Jensen

Douglas A. Bahr