Filed: 2/2/2023 7:12 PM

23S-MS-00029

BEFORE THE BOARD OF MEDICAL LICENSING

BOARD OF INDIANA

CAUSE NO. 2022 MLB 0024

| IN THE MATTER OF THE LICENSE OF: | )      |
|----------------------------------|--------|
| CAITLIN BERNARD, M.D.            | )      |
| LICENSE NO. 01078719A            | )<br>) |

# VERIFIED PETITION OF GENE C. SCHAERR FOR TEMPORARY ADMISSION

Pursuant to the Indiana Rules of Court, the undersigned attorney respectfully requests entry of an order granting leave to appear *pro hac vice* for the purpose of appearing as counsel on behalf of the State of Indiana. In support of this motion, Petitioner states:

- 1. The co-signer to this petition, Mary L. Hutchison, a member of the Indiana State Bar, has appeared in this matter and has agreed to act as local counsel.
- 2. I am not a resident of the state of Indiana. I am not regularly employed in the state of Indiana, nor am I regularly engaged in business or professional activities in the state of Indiana.
  - 3. I certify my:
    - a. Residence:

Rockville, MD

b. Office Address:
Schaerr | Jaffe LLP
1717 K Street, NW, Suite 900
Washington, DC 20006

Telephone: (202) 787-1060 Email: gschaerr@schaerr-jaffe.com

- 4. I am admitted to practice and am a member in good standing of the Bars of the District of Columbia (admission date 11/23/1988, Bar No. 416368) and the Commonwealth of Pennsylvania (inactive, admission date 11/12/1987, Bar No. 51130).
- 5. I have never been suspended, disbarred or resigned as a result of a disciplinary charge, investigation or proceeding from the practice of law in any jurisdiction. There are no disciplinary proceedings pending against me in any jurisdiction.
- 6. I have not appeared by temporary admission in any Indiana state court or administrative agency during the last five (5) years. I have submitted petitions to be admitted *pro hac vice* in the matters of *Bernard v. Rokita*, Cause No. 49D13-2211-MI-038101, pending in the Marion Superior Court, and *In the Matter of the July 27, 2022 Grievance Against Theodore K. Rokita*, pending before the Supreme Court of Indiana Disciplinary Commission. In the past five (5) years, I appeared *pro hac vice* in the United States District Court for the Southern District of Indiana in the matters of *Whole Woman's Health Alliance v. Hill*, Case No. 1:18-cv-1904-SEB-MJD and *Bernard*, *M.D. v. Individual Members of the Indiana Medical Licensing Board*, No. 1:19-cv-01660-SEB-MKK. In all of the above cases my firm was retained by the State of Indiana, a client with which we have had an attorney-client relationship for an extended period of time.
- 7. I certify that I have reviewed the Indiana Rules of Court and Rules for Admission to the Bar and the Discipline of Attorneys. I have read and agree to be bound by the Rules of Professional Conduct adopted by the Indiana Supreme Court. I consent to the jurisdiction of the State of Indiana, the Indiana Supreme Court, and the Indiana Supreme Court Disciplinary Commission to resolve any disciplinary matter that might arise as a result of my representation of the State of Indiana.

- 8. A \$300 registration fee for this matter has been paid to the Executive Director of the Indiana Office of Admissions and Continuing Education; proof of payment with my temporary admission number is attached hereto.
- 9. Certificates of Good Standing from the Bars of the District of Columbia and the Commonwealth of Pennsylvania are attached hereto.

Wherefore, the undersigned counsel affirm under the penalties for perjury that the foregoing representations are true, and respectfully request that this Court enter an Order granting this petition for temporary admission for purposes of this cause only.

Dated: January 26, 2023

Respectfully submitted,

Gene C. Schaerr

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Mary L. Hutchison

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Attorney No. 25579-49

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Mary.Hutchison@atg.in.gov



## Office of Admissions & Continuing Education

Bradley Skolnik, Executive Director • 317-232-2552 • courts.in.gov

## **Temporary Admission Receipt**

**Gene C. Schaerr (8727-95-TA)** 

**Business Address:** 1717 K Street NW **Phone:** (202) 787-1060

Suite 900

Washington, District of Columbia 20006

| Temporary Admission Case Information |            |                    |              |
|--------------------------------------|------------|--------------------|--------------|
| Case Number                          | Start Date | Notice Return Date | Payment Date |
| 2022 MLB 0024                        | 02/01/2023 | N/A*               | 02/01/2023   |
| 49D13-2211-MI-038101                 | 01/27/2023 | N/A*               | 01/27/2023   |

<sup>\*</sup> Prior to January 1, 2022, Indiana Admission and Discipline Rule 3, Section 2 stated "all attorneys granted temporary admission...shall file a Notice...after a court grants permission to appear in the case or proceeding." As of January 1, 2022, the Notice is no longer filed with the Roll of Attorneys.

<sup>\*\*</sup> As of January 1, 2022, Indiana Admission and Discipline Rule 3, Section 2 requires attorneys requesting temporary admission to submit a case-specific registration fee.



On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, the District of Columbia Bar does hereby certify that

### Gene Schaerr

was duly qualified and admitted on November 23, 1988 as an attorney and counselor entitled to practice before this Court; and is, on the date indicated below, an Active member in good standing of this Bar.

In Testimony Whereof,
I have hereunto subscribed my
name and affixed the seal of this
Court at the City of
Washington, D.C., on January 09, 2023.

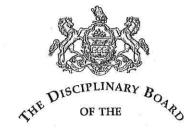
JULIO A. CASTILLO

Clerk of the Court

Issued By:

David Chu - Director, Membership District of Columbia Bar Membership

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email memberservices@dcbar.org.



#### SUPREME COURT OF PENNSYLVANIA

Pennsylvania Judicial Center 601 Commonwealth Avenue, Suite 5600 PO Box 62625 Harrisburg, PA 17106-2625 Phone: (717) 231-3380 Fax: (717) 231-3381 www.padisciplinaryboard.org

### **CERTIFICATION OF STATUS**

In lieu of Certificate of Good Standing

For

## **GENE CLAYTON SCHAERR**

Pennsylvania Attorney ID Number 51130

I, Dana Belella, as the Assistant Director for the Disciplinary Board of the Supreme Court of Pennsylvania, hereby confirm that **Gene Clayton Schaerr** was admitted as an Attorney by the Supreme Court of Pennsylvania to the bar of the courts of the Commonwealth of Pennsylvania on December 16, 1987.

Attorney Schaerr has been on Retired Status since January 1, 2010.

Dated this 11th day of January, 2023

Dana Belella

Assistant Director

OF THE OF THE

Thomas J. Farrell, Esquire Chief Disciplinary Counsel

601 Commonwealth Avenue Suite 2700 P.O. Box 62485 Harrisburg, PA 17106-2485 (717) 783-0990 (717) 783-4963 (Fax) SUPREME COURT OF PENNSYLVANIA Raymond S. Wierciszewski, Esquire Deputy Chief Disciplinary Counsel



CHIEF DISCIPLINARY COUNSEL www.padisciplinaryboard.org

Disciplinary Counsel-In-Charge
DI- Ramona Mariani
DII- Harold E. Ciampoli, Jr.
DIII- Krista K. Beatty
DIV- James M. Fox
Special Projects-Anthony P. Sodroski

### CERTIFICATE OF DISCIPLINARY HISTORY

For

# GENE C. SCHAERR, ESQ. PA Bar Number 51130

The above-named attorney who was admitted to the Pennsylvania Bar December 16, 1987, and who is registered as Retired since July 01, 1991, has no record of private or public discipline in Pennsylvania as of January 10, 2023.

Renee L. Weber

Office of Disciplinary Counsel

#### **CERTIFICATE OF SERVICE**

I certify that on February 2, 2023, I electronically filed the foregoing document using the Indiana E-filing system ("IEFS"). I hereby certify that a copy of the foregoing was served on the following persons using the IEFS:

John David Hoover (7945-49) Alice M. Morical (18418-49) Clara P. Gutwein (36838-49) HOOVER HULL TURNER LLP 111 Monument Circle, Suite 4400 PO Box 44989 Indianapolis, IN 46244-0989 Tel: (317) 822-4400

Tel: (317) 822-4400 Fax: (317) 822-0234 jdhoover@hooverhullturner.com amorical@hooverhullturner.com cgutwein@hooverhullturner.com

/s/ Mary L. Hutchison
Mary L. Hutchison