

**IN THE  
SUPREME COURT OF INDIANA**

In the Matter of Theodore E. Rokita,  
Respondent.

Case No. 25S-DI-29

**MOTION TO INTERVENE**

**COMES NOW** Doug A. Bernacchi, A.B.O., B.S.F.S., M.B.A., J.D., having properly filed his appearance form now first, appearing *pro se*, and respectfully moves this Honorable Court to permit his intervention, or in the alternative to treat his filing as a permitted Amicus filing (the Clerk having rejected this filing before, even before any consideration by the Court, itself on August 18, 2025 as somehow improper) in the above-captioned matter pursuant to Indiana Trial Rule 24 and other authorities on the grounds that he has a direct and substantial interest in the fairness, constitutionality, and consistency of the Indiana attorney disciplinary process in Indiana, which is not adequately represented by the existing parties who seem to condone special treatment by evaluation of a three-member panel in lieu of a single hearing officer, and thus seeking only their own personal advocacy. In support of this motion and proposing the attached proposed motion, marked as “Exhibit A” and incorporated herein by reference for the record of unequal justice, the movant states as follows:

**INTRODUCTION**

Yesterday, the movant learned of the order in this case which is very different from the order cited from Curtis Hill’s DI case, which is said incorrectly to deny his “Motion to Dismiss,” but denied his request not to appoint a hearing officer in his case initially, and also deny the appointment of a three-member panel.

The newest order proved what so many know (and leads to the presentation now of the proposed motion): the entire attorney discipline process in Indiana is unstable, too emotional,

reactive and retaliatory, bitter, obsessed, presumptive, and unstable, and worse wholly ineffective, and it's time those in charge of it, explore their own self-doubts about it, which must honestly exist, and consider reforming it, or at least staying this unneeded case. Like mine, it is unneeded in the sense the public is not harmed by free speech, by the AG's defense, or any lawyer seeking dismissal, or is anyone, no member of the public at risk, or in need of state protection from the Respondent, or me for that matter, and never wore. Voters, the public, and the market placed regulated lawyers better than any ARDC, or this small group of flawed, mistake bound humans impacted by group think, and driven by their incorrect group assurance and exclusive authority. The power is exaggerated and frankly abused and misdirected too often.

Even the local criminal justice system arrests and convicts bad lawyers far too often before this system is engaged or aware of the need to fulfil its promise.

Criminals are still practicing law in Indiana while others have been canceled or are under attack and prolonging the fear amongst the brainwashed is largely the reason for it. The only real question should be is AG Todd Rokita, or any person, a good person and dedicated to his, her, or their job?

After all you barred them, the unethical and criminal ones, as lawyers. Maybe, you should accept your blame for that and resign. Most of them, the good ones made examples of, would have been better off if they didn't ever study and seek to work as lawyers in this country and state. Show some gratitude. Stop destroying reputations and legacies of good people just because you may. One, it is not ethical or moral, and disrespectful to all.

Real power demonstrates grace and understanding, restraint, prudence, wisdom, forgiveness, humility, and competence with leadership which would never seek to punt, and pass the instant case to a panel of Appellate Court Judges double dipping as some sort of *ad hoc* team

of hearing officers for proscribed “lucrative” extra income, because nobody can act or just speak truth without fear of reprisals for the Commission, its staff and leadership, or this imperfect, exclusively-empowered high court.

That exclusive power if somehow just here, needs to be used to correct past errors.

#### RELEVANT FACTS AND AVERMENTS

1. The movant, a former attorney admitted to the Illinois Bar in May 1990, and then in the Indiana in mid-October 1990, who practiced law for 27 years without disciplinary history until a 2014 RFI which was summarily dismissed once, and then, reopened in 2015 without any new evidence; a case that proceeded before the Indiana Supreme Court Attorney Disciplinary Commission (hereinafter “Commission”) system of enforcement, resulting in October 2017, in this court upon review of the hearing officers recommendation doubling the punishment and ordering a 1-year suspension without automatic reinstatement, and where in his there were “no protections against a perception that political pressure that could have and did influence his single hearing officer’s consideration. None was not afforded or available to him, like extended in *Rokita* and which also were denied the Commission in *Hill*. Equal protection was and is absent.
2. In the movant’s DI case number 46S00-1512-DI-00694, *In Re Doug Bernacchi*, I lost my law Indiana license in a case full of procedural irregularities that denied me a hearing on the merits, based not a pattern of misconduct but a single impeached client’s perjury. I was found responsible as a result of her failure to cooperate in large measure and misunderstandings. No attorney could tell me what I should have done differently under the circumstances she created by lying, calling her grandson her son, and failing to cooperate and appear. And I never plead guilty free of duress or risk of arrest by your lawyer who had a police officer with him to

arrest me if I didn't admit guilt. That is not proper, and you need to read and consider my proposed motion and the verified facts stated in it. Or, know that you are not legitimate, which is likely the same problem AG Rokita is considering as reality.

3. The public interest in a fair disciplinary process requires the movants intervention since full public access online at Mycase.in.gov website to all, or most, case filings, which would be otherwise available in a paper file, are usually not available in DI cases online.

Assuming the Court is not aware of this, -- that is to say, only certain filings are linked on Mycase.in.gov, and they are usually only directing the public to those documents filed by Commission and not those filed by the Respondents, such as defense's responses, reply briefs, or other motions—which are not document are accessible to the public online, and this is a flaw or policy, clearly appears to skew public access to a fair record of the proceedings that occur in Indiana Supreme Court DI cases, requiring correcting especially when a public official, such as the elected Attorney General or an active candidate for judge is involved this process. Providing unbiased access to filings is appropriate in all cases, and not doing is not in compliance with open door laws when a government official is involved as in this case.

4. Bernacchi (me in the 3<sup>rd</sup> person now) was found liable based only a confession under the duress and threat of arrest at his deposition, where he was intimidated by an a badge presenting Indiana State Police Officer, who expressed in private to Bernacchi that he was there, not to keep the peace but only to arrest him (me) if he sought to deny his guilt (This very real threat was only days before his only daughter's large, expensive wedding that Mrs. Bernacchi and he were hosting for 100s of out-of-town guests, and subsequently under the state's threat of perjury), which is now regarded as an outlawed method of securing any

confession after it was done to Gen. Michael Flynn, and reversed. This court has not reversed its findings in *Bernacchi*, yet.

5. The lawyer for the Commission sent Mario Sims home and did not take his central deposition to the fact in my case, which was being rigged and with the private help of Doug's own lawyer.
6. As a result of the forced and false findings, a conclusion of his admission of guilt by this court even to a charge of contracting help, a protected right, and only after being put that situation now widely known as "a Gen. Flynn style perjury trap."
7. His single (not a panel) Lake County Hearing Officer, a Democrat when Bernacchi was a Republican, said that a hearing on the merits would be afforded him only if the Commission according to that Hearing Officer at a pretrial hearing, and no such fact finding hearing was offered, only a sanction hearing, which was short, without defense witness present but disallowed to testify, even in rebuttal of perjury. Justice requires that Attorney Rokita should not be afforded more protections than were offered/provided to former Attorney Bernacchi.
8. The selective or uneven enforcement, use of actual perjury by the state's only witness, the disallowance of witness testimony, and other denials of due process, the Movant now desires to call attention to the lack of equal protection in the instant case as well, and direct to court's review of its failure to apply Rule 23 in the instant case, which was all and the only procedure, he was afforded.
9. This motion is filed in good faith and not for purposes of delay or an unjust purpose, and is based on the facts and law as stated herein, *infra*, in the attached proposed substantive motion marked Exhibit "A" and incorporated herein by reference.

10. The movant seeks to intervene in this matter to address systemic and glaring deficiencies in the Indiana attorney disciplinary process, as evidenced by the Court's recent Order issued by Justice Molter<sup>1</sup> in this case.
11. Whereas, the order is without actual precedent, lacks a rule-based authority, and which deviates from Admission and Discipline Rule 23 and raises concerns under the Equal Protection and Due Process Clauses of the United States and Indiana Constitutions, specifically Sec. II, Art. 9, by appointing for this Respondent a three person panel of hearing officers already engaged in state lucrative careers as judges of the Indiana Court of Appeals with official duties, which do not include attorney registration and discipline granted to the Supreme Court exclusively, and who already have lucrative state jobs, contrary to the express language of the rule, when hearing officer are compensated and in this case, possibly and likely by the state's taxpayers footing the AG's expenses and legal defense in case of semantics and state level political clout or little importance vital role of real attorney discipline and protecting the public.
12. This motion is timely filed, as it responds to a recent Order in this case, and intervention will not unduly delay or prejudice the adjudication of the original parties' rights.
13. The movant's proposed pleading, attached as Exhibit A, seeks a stay or reconsideration of the Order to align it with Rule 23 and constitutional standards, complementing rather than complicating the existing proceedings.

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<sup>1</sup> Justice Molter was not a Justice of the Indiana Supreme Court at the time my case was ruled on in October of 2017, but a review of the order in said case by Justice David to reduce my assessed fees for the Commission can only be based on my pleading's limited and specific arguments that clearly showed no actual investigation occurred or hours spent, because if so, they would have known that no damages the Ms. Perry existed and harmless error is not subject of any legal case in controversy. Evidence of perjury in the form of certified recorded real estate records showed it was impossible that Ms. Perry could have lost her home due me or my find incompetence, which was an added count the to Amend VC, filed in retaliation and as one of many acts of prosecutorial misconduct.

## **LEGAL BASIS FOR INTERVENTION**

### **14. Intervention of Right (Trial Rule 24(A)):**

The movant is entitled to intervene as a matter of right under Indiana Trial Rule 24(A)(2) and under the demands and requirement for equity because:

- a. He has a direct and substantial interest in ensuring the Indiana Supreme Court's attorney disciplinary process adheres to Admission and Discipline Rule 23 and Constitutional guarantees, which directly impacted the movant's professional and personal life through procedural violations, since he was personally harmed by similar procedural and Constitutional violations in his 2015-2017 disciplinary case—even being punished in part for legally hiring a contract employee.
- b. The disposition of this case, particularly the Court's departure from Rule 23 and selective allowance of procedural accommodations, may impair or impede the movant's ability to protect his interest in seeking reinstatement and redressing past injustices in the disciplinary system.
- c. The existing parties—the Commission and Respondent Rokita—do not adequately represent the movant's interest, as neither party is addressing the systemic issues of selective enforcement, unconstitutional appointments under the state's constitution, or the broader impact on sole practitioners and public trust in the judiciary and its protection by this exclusive, unchecked, and unregulated authority.

### **15. Permissive Intervention (Trial Rule 24(B)): Alternatively, the movant seeks permissive intervention under Trial Rule 24(B)(2) because:**

- a. His claims, as a Republican Candidate for Circuit Court Judge in 2016, share common questions of law and fact with the main action, including whether the Court's application of Rule 23 and appointment of state-employed hearing officers violates the Indiana Constitution (Art. 9, § 2), the Equal Protection, and Due Process Clauses.
- b. Intervention will not unduly delay or prejudice the original parties, as the movant's proposed pleading seeks to enhance the fairness and integrity of the proceeding without altering its substantive scope, seeking a stay and reconsideration, or reforms.

## **STATEMENT OF INTEREST**

16. The movant was subjected to a disciplinary proceeding in 2015-2017 that involved false allegations, reliance on perjured testimony, denial of witnesses, and a sanction-only hearing lacking due process, resulting in the loss of his Indiana law license and significant personal and financial hardship, including legal fees and his car, costing in excess of \$250,000.00. Rokita's costs may not even require him to pay them, yet, he is getting more accommodations, and those cost are being increased for the benefit of the Appellate Court Justice who stand to be paid by the taxpayers or sources paying the costs and legal fees for this Respondent. It seems unbelievable, again, that this passes muster.
17. Certified real estate records submitted in his case disproved key and only allegations of damages – that Bernacchi lost property of Ms. Sharon Brown Perry, the client, which was impossible; yet the Commission sought, and this Court imposed sanctions, ignoring evidence and after the denying of witness testimony, and deviating from procedural norms, a pattern that risks repetition in the instant case.
18. The movant's 2019 reinstatement motion, filed by Indiana Attorney Thomas F. Godfrey, III, remains pending or unaddressed, thereby linking the outcome of this case to the movant's ongoing efforts to seek redress, seeing now that it may be clearly within the powers of this court which change rules as it goes, reconsider his case, reopen and provide for a three person panel to review the case on the merits, setting aside its prior procedure, and therefore, the outcome of this case could even affect his ability to seek redress for past procedural errors as well as the now more apparent malpractice of his defense counsel(s), and creating a civil cause of action for him.



19. The Court's recent Order in this matter, appointing multiple hearing officers not afforded to the movant or other sole practitioners, perpetuates a system of selective enforcement that disproportionately favors high-profile respondents, such as elected officials, over sole practitioners like the movant that erodes respect for the profession and undermines public confidence in the judiciary.
20. As a former attorney and now a mere member of the public, the movant has a direct interest in ensuring the disciplinary process operates fairly, consistently (not selectively), and constitutionally, particularly for sole practitioners who face disproportionate scrutiny compared to high-profile respondents like the Attorney General.

#### **INADEQUATE REPRESENTATION**

21. The Commission, tasked with prosecuting disciplinary violations, does not represent the movant's interest in challenging systemic procedural irregularities, as it is complicit in those irregularities through its enforcement practices, or worse.
22. Respondent Rokita, while defending his own interests, does not address the broader issues of unequal treatment or unconstitutional procedures that affect the movant and other disciplined attorneys, focusing instead on his individual case.
23. No existing party is advocating for the correction of systemic flaws in the disciplinary process or the protection of constitutional rights for all attorneys, leaving the movant's interest unrepresented.
24. The movant's proposed pleading, attached as Exhibit A, seeks a stay or reconsideration of the Order to align it with Rule 23 and constitutional standards, complementing rather than complicating the existing proceedings.

## **PROPOSED PLEADING**

25. Pursuant to Trial Rule 24(C), the movant attaches as Exhibit A his proposed pleading, titled “Motion by Intervening Party to Stay Proceedings as Contrary to Law or, Alternatively, to Reconsider Order Violating Established Rules, Common Law, and Constitutional Guarantees,” which details the factual and legal basis for his intervention and requested relief.

## **PRAYER FOR RELIEF**

**WHEREFORE**, the movant respectfully prays that this Honorable Court:

- a. Grant this Motion to Intervene under Indiana Trial Rule 24(A) or alternatively, Trial Rule 24(B) or in equity recognizing the movant as a party entitled to equal dignities as the Respondent, and that he was not so treated in the past;
- b. Docket (publicly for the taxpayers and uses of Mycase website to see the facts in fair and complete manner as opposed to presenting only a biased one-sided public record) read and rule on the proposed motion attached as Exhibit A, and use this court’s state constructional authority equally and set a hearing on his motion to reinstate filed in late 2019;
- c. Or reopen his DI case to reconsider that Ms. Perry had no substantive damages, and that it was impossible that she lost her home “she shared with her grandson” as previously found in October 2017 and falsely and wrongly broadcasted on the internet for nearly 8 years, and lastly, that his admission of guilt was obtained through illegal methods and means, and that the U.S. Constitution protected his right to contract a paralegal who was not an employee of him or his law firm;
- b. Permit the movant to participate as a limited party in this matter, seeking a reconsidered, a more consistent order or a stay until a hearing and briefing can be had; and/or

c. Grant such other and further relief as the Court deems just and proper.

Dated: August 19, 2025

Respectfully submitted,

/s/ Doug A. Bernacchi

Doug A. Bernacchi, A.B.O., BSFS, M.B.A., J.D.

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Exhibit A

Motion by Intervening Party to Stay Proceedings as Contrary to Law  
or, in the Alternative to Reconsider the Recent Court Order,  
Violating Established Rules, Common Law, and Constitutional Guarantees

**Certificate of Service**

**I hereby certify that on August 19, 2025**, a true and accurate copy of the foregoing Motion to Intervene with Exh. A was served upon all parties of record via electronic filing system only. /s/ Doug A. Bernacchi