



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
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BOARD OF PROFESSIONAL RESPONSIBILITY
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January 26, 2007

MEMPHIS ATTORNEY PUBLICLY CENSURED

Melvin J. Werner, a Memphis attorney, was publicly censured by the Board of Professional Responsibility on January 24, 2007.

The Court of Criminal Appeals reported to the Board of Professional Responsibility that Werner used procedures during an appeal that permit the filing of a Motion by facsimile. Attendant with this procedure is a facsimile filing charge which must be paid within ten (10) days of filing. Werner failed to remit the payment and by order entered June 19, 2006, Werner was ordered to pay within fourteen (14) days of the Order. Werner failed to respond. The Court then ordered Werner to appear and show cause why he should not be held in contempt. On September 12, 2006, Werner appeared and paid the money due to the clerk. The Court found "Melvin J. Werner has willfully failed to comply with the previous order of this Court" and "failed to show cause why he should not be held in willful contempt of this Court". The Court held Werner in willful contempt and fined him \$50.00.

The Board of Professional Responsibility concluded that Werner violated Rules 3.4(c) and 8.4(a)(d) of the Tennessee Rules of Professional Conduct. The Board publicly censured Werner and closed the file.

The censure declares Werner's actions to be improper ethical conduct, but does not limit Werner's right to practice law.

Werner 29517-9 rel.doc

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