

**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

IN RE: Melvin J. Werner, Respondent,
BPR #15909, An Attorney Licensed to
Practice Law in Tennessee
(Shelby County)

FILE NO. 29517-9-LC

PUBLIC CENSURE

The Court of Criminal Appeals reported to the Board of Professional Responsibility that Respondent, Melvin J. 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. Tenn. R. App. P. 20A(d).

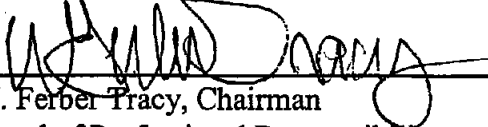
Respondent failed to remit the \$8.00 in this matter. By Order entered June 19, 2006, Respondent was ordered to pay the \$8.00 within fourteen (14) days of the Order. Respondent failed to respond. The Court then ordered the Respondent to appear and show cause why he should not be held in contempt.

On September 12, 2006, Respondent appeared and paid the \$8.00 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 him in willful contempt and fined him \$50.00. The Court ordered the clerk to forward a copy of its Order to the Tennessee Board of Professional Responsibility.

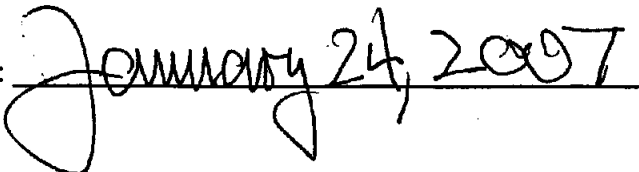
The Board of Professional Responsibility concluded that Respondent, Melvin J. Werner, has violated Rules 3.4(c) and 8.4(a)(d) of the Tennessee Rules of Professional Conduct due his actions as set forth above. Based thereon, Respondent is hereby publicly censured and the captioned file is hereby closed.

FOR THE BOARD:



W. Ferber Tracy, Chairman
Board of Professional Responsibility
of the Supreme Court of Tennessee

Date:



January 24, 2007