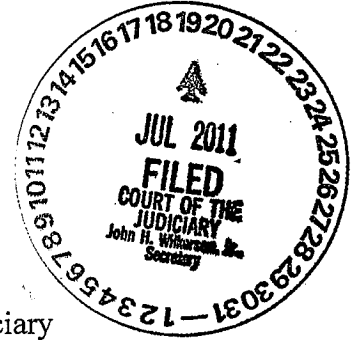


BEFORE THE COURT OF THE JUDICIARY  
OF THE STATE OF ALABAMA



In the matter of: )  
)  
M. John Steensland, Jr., Retired )  
)  
District Judge of Houston County, )  
)  
in the Twentieth Circuit of Alabama. )

Court of the Judiciary  
Case No. 39

**BRIEF AND**  
**RESPONSE TO COSTS CLAIMED BY JUDICIAL INQUIRY COMMISSION**

Respondent, M. John Steensland, Jr., (“Steensland”) opposes the request for costs filed by the Alabama Judicial Inquiry Commission (“JIC”) and offers the following in support thereof:

1. Steensland offered to settle the complaints prior to trial by agreeing to be censured and accepting a permanent prohibition from serving as a judge.
2. Prosecutors for the Judicial Inquiry Commission refused to accept the offer, even though the offer encompassed all of the remedies available to this Court.
3. The order entered by the Court reflected and included the settlement offer made by Steensland, and nothing more.
4. Under Rule 54(d) of the Alabama Rules of Civil Procedure, costs shall be allowed to the prevailing party “unless the court otherwise directs . . .” The Committee Comments to Rule 54 explain that the phrase “unless the court otherwise directs” authorizes the court to decline to tax costs at all. According to the Committee Comments, this authority reflects a preference to the equity practice of granting the trial court complete discretion in awarding costs. Rule 54(d) maintains that practice.
6. In this case, equity mandates that the Court enter an order denying the cost bill

filed by prosecutors for the Judicial Inquiry Commission, because the trial was unwarranted and unnecessary in light of Steensland's offer to settle the charges for exactly the outcome that occurred after the hearing for which costs are sought. An assessment of costs against Steensland would therefor be purely punitive, serve no legitimate purpose, and encourage prosecutors for the Judicial Inquiry Commission to pursue charges for vindictive purposes.

WHEREFORE, Steensland requests the court to enter an order denying the requests for costs filed by the Judicial Inquiry Commission.

Respectfully submitted,  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 19<sup>th</sup> day of July, 2011, I hand delivered the foregoing brief to the Clerk of the Court of the Judiciary and emailed counsel of record as follows:

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