

IN THE ALABAMA COURT OF THE JUDICIARY

**FILED**

IN THE MATTER OF:

STEVEN D. KING  
CIRCUIT JUDGE,  
BLOUNT COUNTY, AL

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CASE NO. 63

JAN 23 2023

ALABAMA COURT OF THE JUDICIARY  
Nathan P. Wilson  
Secretary

ANSWER TO COMPLAINT

Comes now Respondent, Judge Steven D. King, and for answer to the Complaint says as follows:

1. The allegations of paragraph 1 are admitted.
2. The allegations of paragraph 2 are admitted.
3. The allegations of paragraph 3 are admitted except that the statements in footnote 1, associated with paragraph 3, are denied.
4. The allegations of paragraph 4 are admitted.
5. The allegations of paragraph 5 are admitted.
6. The allegations of paragraph 6 are admitted with the clarification that Judge King took no action of any kind in the case over which he once presided - a case involving the Warrior police officer - between the time he learned of the existence of the recording until the time of his recusal.
7. The allegations of paragraph 7 are admitted with the clarification that Commissioner Calvert was not an original party in the case over which Judge King once presided and to Judge King's knowledge was never a party.
8. The allegations of paragraph 8 are admitted.
9. The allegations of paragraph 9 are admitted.
10. The allegations of paragraph 10 are admitted.

11. The allegations of paragraph 11 are admitted with the clarification that the purpose of the meeting between Judge King and the attorney referred to in this paragraph, Brad Green, was not to ask Mr. Green to mail the packages. The purpose of the meeting was to discuss what Judge King and others considered to be the inadequate plans of the County Commission related to a possible new courthouse. Mr. Green was one of the few Blount County lawyers who had been asked to meet with the architects, and Judge King wanted to make sure that all members of the Bar who would be involved in the planning for a new courthouse were aware of all courthouses needs.

12. Respondent admits that Mr. Green agreed to mail the packages and although he has no personal knowledge of the other allegations of this paragraph, he has no reason to dispute any allegation in the paragraph.

13. The allegations of paragraph 13 are admitted with the clarification that Judge King was acting as a private citizen, and the note written to Judge Green was not on judicial stationery. There was nothing in or about the note that suggested that Judge King was a judge or that he was acting in a judicial capacity.

14. The quote in paragraph 14 is accurate, so that the allegation in this paragraph is admitted with the same clarification as set out in paragraph 13 above.

15. With respect to paragraph 15, Judge King admits that some tensions may have arisen when on occasions as a private citizen and on other occasions as a member of the judiciary, he made his feelings and position known - most frequently to Judge Green – on a number of matters related to what Judge King believed to be the obligations of the County Commission.

- a. A few months before the possibility of a new sales tax was even made public, Judge Green approached Judge King to solicit his thoughts about a new sales tax. At that time, Judge King said nothing about the possibility of using a portion of

the sales tax proceeds to fund a second judgeship in Blount County because the idea had not occurred to him. Later, one or two months before the proposed sales tax was to be voted on, Judge King raised the possibility of funding a second judgeship in a conversation with Judge Green. Judge Green indicated that he was not opposed to funding a new judgeship, but that agreement had already been reached as to the allocation of the proceeds of the proposed new sales tax, and it was too late to try to change the agreed allocation. Judge King accepted Judge Green's response; did not ask Judge Green to present his suggestion to the County Commission; and thereafter communicated to no one else about the proposed tax. At no point did Judge King discuss funding a second judgeship with a portion of the sales tax proceeds with anyone associated with the county commission other than Judge Green. If tension arose as a result of Judge King's suggestion, he was unaware of it.

- b. Admitted with the clarification that Judge King sent the letters to Judge Green, as Chair of the County Commission, and did so acting as a private citizen. The letters written to Judge Green were not on judicial stationery, and the content of the letters make clear that Judge King was acting as a private citizen. There was nothing in or about the letters that suggested that Judge King was a judge or that he was acting in a judicial capacity.
- c. Judge King did send a letter on April 9, 2019, to Judge Green, the County Commission, and Sheriff Mark Moon regarding Courthouse Security. Because there had been an inquiry at a County Commission meeting about the legal obligation of the County Commission to provide security at the Courthouse, the

letter set out what Judge King believed was his own legal duty, and that of the County Commission, regarding Courthouse Security. The circumstances that prompted the letter were that there were no metal detectors at the Courthouse or the Family Services Mall; that on March 8, 2019, there were no law enforcement officers or other security personnel at the Courthouse or the Family Services Mall for the entire day; and that on April 8, 2019, when Judge King had a jury venire reporting for a criminal trial week, there was no security at the Courthouse from the time the doors opened at 8:00 A.M. until mid-afternoon.

The Courthouse has no jury assembly room, no rooms for witnesses, and no rooms for defendants. When there is no security, everyone enters the large courtroom and intermingles. Especially in present times, security is critical.

- d. Judge King did send a letter regarding the heating and cooling system in the courthouse and very appropriately, as alleged, wrote the letter on judicial letterhead. Just by way of example, between May and October of 2019, the Blount County District Court Judge had to move her dockets to the Family Services Mall because there was no air conditioning; an attorney got sick due to the heat during a jury trial; Judge King had to continue a trial because of the heat; and had to recess another trial until the following morning because of the heat.
- e. Because mold had previously been found in the Family Services Mall; because the employee of the Circuit Clerk assigned to the Family Services Mall was constantly sick from what the Circuit Clerk believed could be related to mold; and because local lawyers had complained about being unable to file pleadings in the absence of the Clerk's employee, Judge King had an air quality test performed. He did so

because he did not want to bother the County Commission with what was only a possible problem. Judge King did not, however “shut down the Family Services Center” as alleged in the complaint, nor did he make any demand or request that the building be closed. Rather, because Judge Green was out of his office, Judge King presented the results of the air quality test to the County Administrator. At an emergency meeting the following day, the County Commission voted to close a portion of the building while remedial measures were pursued. Judge King attended the emergency meeting, as did the Circuit Clerk. Judge King spoke at the meeting explaining what he had done and why. He did not demand, or even request, that the building be closed. (Should the Court consider this event relevant, a link can be provided to Facebook where the emergency meeting is posted.)

- f. Judge King did not oppose there being a new courthouse, or the location of the courthouse. As a private citizen, he did find fault in both the inadequate planning for the new courthouse and in the County’s paying substantially more than necessary for the property where the County Commission proposed to locate the new courthouse.

16. With respect to paragraph 16, please see response to paragraph 15 above. Although Judge King has insufficient information upon which to admit or deny the allegation about what motivated Commissioner Calvert, Judge King admits that Commissioner Calvert made what Judge King considered to be derogatory and untrue statements at a meeting of the Blount County Commission.

17. Judge King admits that he filed a defamation lawsuit against Commissioner Calvert, although the docket sheet shows the filing to have been on September 20, 2019.

18. The allegations of paragraph 18 are admitted.
19. Judge King admits filing a motion to vacate or modify that was denied and to filing a Notice of Appeal.
20. Judge King admits that on July 10, 2020, the Alabama Supreme Court affirmed the dismissal of Judge King's lawsuit with no opinion.
21. Judge King admits that the conversation and comments between Commissioner Calvert and the police officer are reprehensible and offensive. The remaining allegations of this paragraph are denied.
22. The allegations of paragraph 22 are denied.
23. The allegations of paragraph 23 are denied.
24. The allegations of paragraph 24 are denied.

#### AFFIRMATIVE DEFENSES

1. Judge King asserts that under the facts involved here, the filing of the complaint against him by the Judicial Inquiry Commission, and the seeking of discipline by the Judicial Inquiry Commission, violate Judge King's rights under the First Amendment to the United States Constitution and Article 1, Section 4 of the Constitution of Alabama. Judge King further asserts that the imposition of discipline under the facts here would likewise violate his rights under the First Amendment to the United States Constitution and Article 1, Section 4 of the Constitution of Alabama.
2. Under the facts involved here, disciplining Judge King for acting anonymously and seeking to maintain anonymity would violate his rights under the First Amendment to the United States Constitution and Article 1, Section 4 of the Constitution of Alabama.

Respectfully submitted this 23rd day of January, 2023.

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**ATTORNEYS FOR JUDGE STEVEN KING**

**CERTIFICATE OF SERVICE**

I certify that on this the 23rd day of January, 2023, I filed the foregoing with the Office of the Secretary of the Court of the Judiciary via hand delivery, and served the following via email and/or U.S. Mail, postage prepaid and properly addressed:

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