

**IN THE MATTER OF:**

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**ALABAMA COURT OF THE JUDICIARY**  
Nathan P. Wilson  
Secretary

**STEVEN D. KING  
CIRCUIT JUDGE,  
BLOUNT COUNTY, AL**

**CASE NO. 63**

**COMPLAINT**

The Alabama Judicial Inquiry Commission (hereinafter “the Commission”) files this Complaint against Circuit Judge Steven D. King (hereinafter “Judge King”), Circuit Judge of the Forty-First Judicial Circuit, Blount County, Alabama. The Commission alleges and charges as follows:

**I. INTRODUCTION**

1. Judge King took office as Circuit Court Judge of the Forty-First Judicial Circuit, Blount County, Alabama, in January 2007, and has continued to serve in this capacity since then.

2. The Forty-First Judicial Circuit encompasses only Blount County, Alabama, and has only one circuit court judge.

**II. FACTS**

3. In 2020, Judge King authored a letter (hereinafter “anonymous letter”) criticizing Blount County Commissioner Dean

Calvert, one other county commissioner, and a Warrior police officer, claiming that they were unfit for public office. The anonymous letter was critical of other actions taken by the Blount County Commission as well.<sup>1</sup>

4. Judge King also alleged in the anonymous letter that the Warrior police officer engaged in an extra-marital affair while on vacation in Gulf Shores, Alabama. The two county commissioners were in Gulf Shores for a meeting of the Alabama Association of County Commissioners at the same time. According to the anonymous letter, they allowed the police officer to use their hotel room, which was paid for by the county, to conduct the extra-marital affair.

5. Judge King did not sign the anonymous letter, nor was it sent on judicial letterhead. Nothing in the anonymous letter indicates that Judge King was the author.

6. Judge King assembled packages containing this anonymous letter, pleadings from three cases that were pending in Blount County

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<sup>1</sup> The Commission does not intend to allege in this Complaint that the content of Judge King's anonymous letter or any other speech by Judge King constitutes a violation of the Alabama Canons of Judicial Ethics. Rather, it is Judge King's conduct that constitutes a violation of the Canons. See ¶¶ 21–23, infra; see also Commentary to Canon 2.

and neighboring Etowah County, and thumb drives containing an audio recording that was referred to in one of the three pleadings.<sup>2</sup>

7. Two of the cases included in the packages were civil cases involving Commissioner Dean Calvert and the Warrior police officer. These complaints alleged that Commissioner Calvert and the Warrior police officer fraudulently acquired property and money from an individual.

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<sup>2</sup> Judge King presided over one of the three cases but recused from that case on July 17, 2020. Judge King did not preside over any of these cases at the time the packages were mailed.

Furthermore, the recording that was included in the packages was given to Judge King by an attorney. The attorney provided the recording to Judge King in January 2020 but told Judge King that he could not release it as the wife had not consented to the release of the recording. Later, in July 2020, the wife consented to the use of the recording in the divorce modification proceedings if the matter went to a hearing. The attorney and the attorney's law partner, who was representing the wife, did not adequately communicate to the wife that the recording would be made available to the public if referenced in the wife's counterclaim, regardless of whether the matter went to a hearing. Nevertheless, the attorney informed Judge King in July 2020 that he had secured the wife's consent to use the recording and that it could now be made public. The attorney's law partner who was representing the wife in the divorce modification proceedings is also the attorney that Judge King asked to mail the packages. See ¶¶ 11, 12, *infra*. Both attorneys received public reprimands from the Alabama State Bar for this conduct.

8. The third pleading included in the packages was a counterclaim filed by the police officer's wife in response to a modification petition of their original divorce. The recording included in the packages was mentioned in this counterclaim.

9. The recording that was included with the packages contained a phone conversation between the police officer and Commissioner Calvert. In this conversation, Commissioner Calvert can be heard using the "N-word." The police officer and Commissioner Calvert can also be heard having a vulgar and offensive discussion about women.

10. According to the anonymous letter, the packages were mailed to a group of eighteen media organizations and Blount County elected officials, including the "Blount County Circuit Judge." Judge King is the only circuit court judge in Blount County.

11. On August 16, 2020, Judge King met with an attorney who regularly practiced in Blount County Circuit Court at a fast-food restaurant in Pinson, Alabama, and asked this attorney to mail the packages for him.

12. The attorney agreed to mail the packages for Judge King, and, on August 18, 2020, the attorney mailed the packages from a post office in Birmingham, Alabama.

13. On September 14, 2020, Judge King sent a letter to Probate Judge Chris Green, who is the Ex Officio Chair of the Blount County Commission, calling for the resignation of Commissioner Calvert.

14. In this letter, Judge King stated, "On August 21, 2020[,] I received a copy of a video/audio recording of a conversation in which Commissioner Dean Calvert was one of the participants. The language and content of the conversation are racist and offensive. It is inappropriate for any elected official to engage in such conversation. As a result[,] I am calling for Mr. Calvert to resign as County Commissioner."

15. Prior to Judge King's authoring the anonymous letter and assembling the packages, Judge King had a tense relationship with the Blount County Commission, dating back to as early as 2015, as demonstrated by the following events:

- a. In 2015 and 2016, the Blount County Commission was in the process of imposing a small increase in the county sales tax. Judge King attempted to persuade the County Commission to earmark a percentage of that new revenue to fund an

additional circuit judge seat in Blount County. The County Commission declined to do so.

- b. On November 30, 2018, and again on April 1, 2019, Judge King sent letters to the Blount County Commission regarding the County's lack of enforcement of subdivision regulations.
- c. On April 9, 2019, Judge King sent a letter on judicial letterhead regarding security in the Blount County Courthouse. In this letter, Judge King explained what he believed to be the legal duty of the sheriff to provide security for the courthouse and demanded that an appropriate number of sheriff deputies be provided for courthouse security. If deputies were not provided, Judge King threatened to close the Courthouse, as well as an annex that housed the juvenile court, until sufficient security was provided.
- d. In 2019, Judge King sent a letter to the Blount County Commission complaining about the heating and air conditioning system in the courthouse. This letter was sent on Judge King's judicial letterhead.
- e. Judge King conducted—without notifying the Blount County Commission and at his own expense—an air quality test in the Blount County Family Service Center, where the juvenile court and other court-related programs and county offices are located, which indicated the presence of mold. As a result of this test, Judge King shut down the Family Service Center until the County made the necessary repairs.
- f. Judge King opposed the County Commission's proposal to relocate the courthouse to property that it had purchased in 2019. Judge King further claimed that the County Commission had paid \$300,000 more for the property than it should have.

16. These events created tension between Judge King and the Blount County Commission. This eventually led Commissioner Calvert to make statements criticizing Judge King during a planning meeting of the Blount County Commission on June 13, 2019. In addition to the events listed in subsections b., c., and e. of the above paragraph, Commissioner Calvert alleged that Judge King was “trying to operate as a county commissioner from the bench of the Circuit Judge” and that Judge King “w[ould] not do his job as Circuit Judge,” resulting in a backlog of cases and overcrowding in the county jail.

17. After Commissioner Calvert made these statements, Judge King filed a defamation lawsuit against Commissioner Calvert on September 19, 2019.

18. On December 12, 2019, the trial judge dismissed Judge King’s defamation suit without prejudice on the grounds that Commissioner Calvert was “entitled to absolute privilege because his statements were made during a legislative session. Ala. Code 36-25A-8; *Butler v. Town of Argo*, 871 So.2d 1, 24-25 (Ala. 2003); *Hillman v. Yarbrough*, 936 So.2d 1056, 1063-64 (Ala. 2006).”

19. Judge King filed a Motion to Vacate or Modify the trial court's order dismissing the case on January 6, 2020, which was denied, and then a Notice of Appeal to the Alabama Supreme Court on February 24, 2020.

20. On July 10, 2020, just over a month before Judge King asked the attorney to mail the packages, the Alabama Supreme Court affirmed the trial court's dismissal of Judge King's defamation case with no opinion.

21. Although the conversation and comments captured in the recording are reprehensible and offensive, Judge King's conduct of authoring the anonymous letter, compiling the pleadings from cases involving Commissioner Calvert and the Warrior police officer, having copies of the recording made, assembling packages containing these items, and having an attorney mail the packages to several media outlets and Blount County elected officials, including himself, constitutes impropriety, or creates the appearance thereof, and is inappropriate for one that holds judicial office.

22. Furthermore, Judge King's actions in authoring the letter anonymously and having an attorney, who regularly appears before him



in Blount County Circuit Court, mail the packages for him, rather than mailing them himself, demonstrate that Judge King knew that this conduct constituted impropriety, or created the appearance thereof, and was inappropriate for one who holds judicial office.

23. Judge King furthered this act of impropriety in the September 14, 2020, letter to Judge Green by creating the false impression that he was not involved in authoring or sending the packages to several media outlets and Blount County officials, including himself. This too demonstrates that Judge King knew that his conduct constituted impropriety, or created the appearance thereof, and was inappropriate for one who holds judicial office.

### **III. CHARGE**

#### **IMPROPRIETY OR APPEARANCE THEREOF**

24. By engaging in the conduct as alleged in Paragraphs 3 through 23, separately and severally, Judge King violated the following provisions of the Alabama Canons of Judicial Ethics:

Canon 1            A judge should uphold the integrity and independence of the judiciary.

A judge should participate in . . . maintaining . . . , and should himself observe, high standards of conduct so that the integrity and

independence of the judiciary may be preserved.

Canon 2<sup>3</sup> A judge should avoid impropriety and the appearance of impropriety in all his activities.

Canon 2A A judge . . . should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B A judge should at all times maintain the decorum and temperance befitting his office.

A judge . . . should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.

Canon 2C A judge should not allow his family, social, political, or other relationships to influence his judicial conduct or judgment.

A judge should not lend the prestige of his office to advance the private interests others.

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<sup>3</sup> It is possible this Court does not view Canon 2 as a stand-alone canon. Nevertheless, the general heading of Canon 2, directing judges to “avoid impropriety and the appearance of impropriety” permeates the subparts of Canon 2 and, indeed, all of the Canons. Thus, this Court should consider the alleged violations of Canons 2A, 2B, and 2C in light of the requirement that judges “must avoid all impropriety and appearance of impropriety.” Commentary to Canon 2.

Done this 20<sup>th</sup> day of December, 2022.

THE JUDICIAL INQUIRY COMMISSION

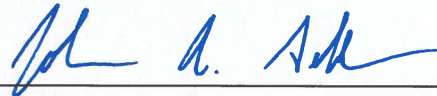


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Billy C. Bedsole  
Chairman

BY ORDER OF THE COMMISSION



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