

## People's Alliance PAC 2018 Questionnaire for North Carolina Trial Division Judicial Candidates

Please return this completed form along with a resume or biographical statement describing your education, work history, community service, and prior political experience as soon as possible, but by **July 20, 2018** at the latest. Please note that following this deadline, the Durham People's Alliance PAC may publish your responses to this questionnaire and your resume.

You may e-mail your responses to Tom Miller at [tom-miller@nc.rr.com](mailto:tom-miller@nc.rr.com) or mail them to Tom at 1110 Virginia Avenue, Durham, NC 27705

Thank you for completing this questionnaire and your willingness to serve the people of North Carolina.

Candidate's name: James T. (Jim) Hill

Judicial office sought: Durham County District Court Judge (Hill seat)

Address: 632 Kingsbury Drive, Durham, North Carolina 27712

E-mail address: jhill632@aol.com

Phone: (Home) 919-477-7987 (Cell) 919-880-9359

*When answering this questionnaire, please repeat the questions in your response document with each question numbered and organized as it appears here. Type your responses in italics, bold, or a different font to distinguish your responses from the questions. Please do not use colors. Please respond to questions using your own words and cite outside sources when applicable. You may explain your answer to every question, but please be concise.*

### About you:

1. Are you conservative or liberal? Please choose one and then explain your answer.

Mostly conservative, but it depends on the issue. As to social issues, I consider myself conservative. When it comes to free speech issues, the rights of the poor to legal services and criminal law and procedure, I consider myself more liberal. I try and view all issues on a case by case basis and rule accordingly.

2. Please describe how your religious and/or philosophical beliefs may affect your conduct and decision making if you are elected.

I am a Christian and my religious beliefs are a main part of my life. However, I am a strong proponent of the first amendment of the constitution. Everyone in this country has a right to believe or not believe and practice whatever religion, or no religion, if they so choose. I try to be respectful of everyone's beliefs as per the constitution.

3. Have you ever been convicted of a criminal offense (other than a minor traffic or minor drug offense)? If the answer is yes, please describe the circumstances and the outcome.

No

4. Have you personally ever been a party in a civil legal proceeding? If the answer is yes, please explain the circumstances and the outcome of the case.

Yes. While in private practice, and prior to the institution of the fee mediation process, I did have to sue some of my clients for legal fees. To the best of my knowledge, I prevailed in all of the cases.

5. Describe your current community involvement. As a judge, do you envision any community involvement beyond the specific duties of the office? If yes, please describe that involvement.

My primary, current community involvement is with 100 Men In Black Male Chorus. 100 Men In Black is an independent, community based chorus open to membership to all within the triangle area. The group is composed of males of all age groups, ethnicities and walks of life who like to share the "good news of the gospel" through song. We have several young men in our group that we like to mentor and nurture. We give several scholarships each year to the young men in our group to help them further their education. We often sing at churches, Durham Rescue Mission, Urban Ministries and C. A. Dillon, prior to its closure.

I am also involved in the outreach ministries of my church. It is our goal to provide assistance to as many homeless, orphans, prisoners, unwed mothers and disadvantaged youth as we can in the community. We will be having our Serve RDU project next month. For a week, we do various community service projects in schools and neighborhoods. We also continue to try and do this on a regular basis for the whole year.

For most of my judgeship, I have regularly gone to Carrington Middle School weekly to work with students and parents about attendance issues. If students do not succeed in school, the likelihood of them becoming a part of the criminal justice system is heightened. Education is fundamental.

**About your practice of law:**

6. Please describe your practice as a lawyer. Describe the areas of your practice and your specialties. Describe the diversity of your client base as a part of your answer.

I have not practiced law for 16 years. While in the private practice of law, I had a general practice. I represented juveniles and adults in the criminal courts for everything from trespass to 2nd degree murder. During the final years of my practice, prior to becoming a judge, I had a largely civil practice with an emphasis of real estate and wills and estates. Over the years, I had quite a diverse client base.

7. Please describe a case you have handled as an attorney or judge that best illustrates the abilities and temperament you would (or do) display as a judge. Please describe a case you handled where you did not exemplify, perhaps, the model temperament of a judicial figure.

The cases that I have handled that demonstrate my good temperate are numerous. One case that stands out is an abuse and neglect case. The foster parents were a same sex couple (females). The attorney for the father wanted to make their sexuality an issue. I made it quite clear that this was not going to be allowed. These two women were doing a fine job parenting this young boy. The ultimate resolution was that they received guardianship of the juvenile. I was recently informed that this couple and the young boy just returned from a trip to Germany. The main and overriding issue in this case was what was in the best interest of the minor child. That happened to be guardianship with this couple.

The negative is the case for which I received a reprimand from Judicial Standards. This case involved a 3+ day custody hearing. It was apparent during the hearing that the parents were pretty good, but their conduct was hurting the minor child. I used regrettable language at the close of the hearing. I pointed out to the parents that the most important person in the entire proceeding was their minor child. I told them that they were acting like "idiots." I was frustrated at their conduct and my temperament on that day was less than desirable. I have learned from it and I make every effort not to repeat the mistake,

But in my defense, my primary concern and motive was this innocent minor child.

8. Have you ever been publicly or privately disciplined by the North Carolina State Bar or any other professional or occupational licensing authority in North Carolina or any other state? "Disciplined" should be read to include reprimands, censures, and warnings in addition to license suspension, surrender, revocation, and disbarment. Is the State Bar or any governmental authority considering a complaint against you at the present time? Have you ever been found in contempt of court? For each "yes" answer, please tell us what happened and describe the outcome of the matter.

See the second portion of the answer above. This has been my only discipline. I have never been disciplined by the North Carolina State Bar.

9. Please describe the nature and extent of any pro bono work you have done. Is there a pro bono matter to which you have contributed that best illustrates your values?

I frequently assisted Agape Corner while in private practice. Since I have been a judge for 16 years, my ability to do pro bono work is limited

While in private practice, when the Urban Ministry Center needed a title search for the home they were acquiring for their domestic abuse home, I did it for them free of charge.

**Concerning law and policy:**

10. What is your position on the death penalty?

I am opposed to the death penalty.

11. What, if anything, should be done to improve access to the courts for people with limited financial means?

When I first became a judge in 2002, the legislature has just enacted 7A-455.1. That statute required defendants who received court appointed lawyer pay a non-refundable appointment fee of fifty dollars at the time of the appointment. I was the first judge in the state to declare this law unconstitutional. Several other judges in the state followed. The cases went to the North Carolina Supreme Court and the court held that the law was unconstitutional. I felt that the imposition of the fee was a gross violation of an indigent's right to counsel. Equal access to the courts is a fundamental right that I adhere to. This case is the best example of how I have followed this principal. The court held the \$50 (now \$60) could only be collected if the defendant was found guilty. The amended statute also says that this is one cost that I can't waive. I would waive it every time if I could. I still feel that it is unconstitutional, but my hands are tied.

I have only denied court appointed counsel a few times in my years on the bench. I disagree with the legislative decision to deny legal representation for persons charged with minor offenses. Without proper advice, unrepresented

individuals often enter pleas that have long term negative consequences. The availability of court appointed counsel should be expanded.

Legal Aid does a good job in representing individuals in civil matters. Also, the Duke program concerning summary ejections is a good start for tenants.

12. North Carolina incarcerates an extraordinary number of people, including persons convicted of non-violent crimes. Those who are incarcerated are disproportionately people of color. What would you (do you) do in your role as judge to address the issues of mass incarceration and racial bias in the administration of justice?

I like diversion programs for first offenders. I prefer the DA allowing defendants to do community service pre-judgment and dismissing the charges if the community service has been completed. The legislature has limited our ability to be creative in addressing the true needs of individuals appearing before us.

13. Would you (do you) assess or strike Failure-to-Appear fees in cases involving traffic offenses? Would you have a bright line rule?

I routinely strike or fail to assess failure to appear fees in traffic cases where defendants are in front of me and this is all that is preventing them from getting a valid license. Court costs are too high. I have felt for the past 16 years the legislature has continued to raise costs to where they are a burden for those least able to pay.

14. What guidelines would you (do you) use to determine whether pre-trial confinement is appropriate for a defendant?

I look at the nature of the offense, the defendant's record, family ties, community ties and past called and failed history. All these factors enter in and I make the best decision I can with the information I have available at the time of the hearing. I like the pre-trial program run by the criminal justice resource center. This is very beneficial in keeping qualifying defendants out of jail pre-judgment.

15. What is your position on bail? What, if any, changes need to be made to the current bond schedule?

My position on bail is basically the same as pre-trial confinement. I am not opposed to addressing the current bail schedule to see if changes need to be made.

16. What can be done to improve language access for defendants, victims, and witnesses during court proceedings?

We do a fairly good job with Spanish speaking defendants as we have one full time interpreter. When I first became a judge, we had 2. For some reason, Indigent Defense Services felt we only needed one. Therefore, a lot of court time is spent waiting for our very hard working interpreter to become available. I would like to see our 2nd interpreter restored. The language line is useful for unusual languages.

17. What changes, if any, would you make to the local rules of court and why?

No specific changes come to mind at the moment. I am always open to trying to make improvements in the way the courts operate. One of the first thing I did as chief judge was to sign updated, revised family court rules. I am open to suggestions and to how we can further improve the operation of District Court.

18. Should judges be appointed or elected in North Carolina? If you believe judges should be appointed, who should appoint them? If you believe judges should be elected, what system should be employed to elect them? Should judicial elections be partisan?

**ELECTED.** I am totally opposed to the appointment of judges. Judge elections should be non-partisan. Our system of electing judges was fine prior to this past legislative session. I went to Raleigh and spoke against the changes that occurred on one occasion and I met with Justin Burr on one occasion and requested that the legislature not divide Durham County into districts. There was also a proposal to take a judge away from Durham. Thankfully, districts were not drawn for Durham County and we did not lose a judge.

19. Should race bias training be mandatory for persons involved in the justice system? What should this training consist of and for whom should it be required? Have you any special training in issues related to racial disparities and equities?

16 years ago when I became a judge, we did have a session on diversity issues. I have also participated in the Racial Equity Institute training. Judges deal with individuals from all walks and stations in life. Any and all training and information is beneficial.

20. How have (or will) you address legislation that requires notice to be given to all impacted governmental agencies before a judge waives costs and fines for a criminal defendant? Under what circumstances should a court waive costs and fines?

I don't like this requirement. I believe it infringes on our ability as judges to address each case on individual basis. Rebecca Olson has drafted a form that allows us to waive fines and costs. I routinely do this if all the requirements have been met. I have and will continue speak to the legislature to allow us to be judges so that fines and costs can be waived if we deem that justice requires it.

21. Should data of prosecutors' individual and office-wide juror challenges be collected and published as a method of identifying and neutralizing bias during the peremptory challenge process?

I do not deal with criminal jury trials in district court.

22. What are the risks and benefits of pre-trial diversion in criminal cases? For what offenses and for which offenders is diversion appropriate? Are their program models you favor?

The benefits far out-weigh any risks. A clean criminal record is very important. For first time and minor offenders, diversion programs are excellent. The offending party is not simply let go. They often have to do some community service or get some beneficial treatment. Upon successful completion, the charges are dismissed. They have "paid" for their offense, the community benefits with the community service and, if they have some substance abuse issues, hopefully the treatment or education they have received will prevent further negative conduct. Everyone wins. I feel that the several programs that we now employ are good. I especially like the Teen Court Diversion Program and the Delinquency Diversion Program that is currently in use.

23. Yes or No Questions – please indicate your answer the following questions by underlining "YES" or "NO." If you wish to explain or elaborate your answer to any question, please use no more than 100 words to do so.

- a. Do you support legislation designed to protect gay, lesbian, and transgender people from discrimination in housing, employment, public accommodation, and access to government processes, benefits, and services? YES NO

YES

- b. Do you support legislation which excuses magistrates, judges, and other government officials from performing their duties because of their religious beliefs? YES NO  
This is not a simple yes or no question. If the duty is a constitutional right, I would want to insure that the balancing of religious freedom of one does not infringe on the protected rights of others.
- c. Do you support the continuation and expansion of local funding that addresses substance abuse and mental health treatment, including a Drug Treatment Court and Mental Health Court? YES NO  
YES. I am currently the presiding judge in our local Mental Health Court. We have already had several graduations. It is most enjoyable and gratifying to see these participants succeed when they have had long term mental health and substance abuse issues due self-medicating. We have had participants get independent housing, start and maintain employment and start or acquire their own businesses, many for the first time in years. Upon graduation, the charges are dismissed.  
In the past, I presided over the Youth Treatment Court. Unfortunately, the state ceased funding this court and our Family Treatment Court. We are still operating the Adult Treatment Court. I wish we could again fund all three courts as they have all had positive results for the participants. Substance abuse is a problem. Treatment should be the first option instead of punishment.
- e. Do you support the expanded use of restorative justice practices in shaping outcomes in criminal cases? YES NO  
YES
- f. In questions of pre-trial release, do you support the use of a screening instrument, calibrated to prevent discrimination, to determine substantial risk of flight and danger to the community, as recommended by the Pretrial Justice Institute? YES NO  
YES

#### **Your politics**

24. How are you registered to vote? Have you ever changed your registration? If you have changed your voter registration, please explain why.

Republican

25. Who did you vote for in the 2012 and 2016 presidential and gubernatorial elections? Who did you vote for in the 2014 U. S. Senate election?

Judges should be non-partisan. This is a partisan question

26. How will you vote if the November ballot contains constitutional amendment referenda in favor of "Marsy's Law" and the filling of judicial vacancies?

Judicial vacancies should be filled by appointment of the sitting governor with input from the local bar. The system has worked well for years. I am opposed to this power grab by the Republican Party.

Judges and judicial candidates in North Carolina are allowed substantial freedom of political speech. PA PAC believes that every question in this questionnaire may be answered fully within the scope of the applicable rules. For more information on the scope of permitted political speech for judicial candidates, we refer you to the December 17, 2015 memorandum of the Judicial Standards Commission on Permitted Political Conduct. You may find it at:

[https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course\\_materials/04%20Political%20Conduct%20Guidance%20for%20Judges%202016.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course_materials/04%20Political%20Conduct%20Guidance%20for%20Judges%202016.pdf)

Again, Thank you. **Please do not forget to provide us with your resume or biographical statement.**

# Judge James T. (Jim) Hill

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Email: jhill632@aol.com

*Proudly serving the citizens of Durham since 2002*

## **Experience**

### **District Court Judge, Durham County**

**Dec 2002 – present**

- Chief Judge Apr 2017 – present
- Presiding Judge over the newly created Mental Health Court Fall 2017 - present

### **Private Practice in Durham County**

**Sept 1977-Nov 2002**

- Randall, Yeager, Jervis, Hill & Anthony – Partner Oct 1988 – Nov 2002
- General practice of law Sept 1977-Sept 1988
  - 25 years private practice in Civil, Criminal, Domestic and Juvenile Cases
  - 14 years as a District Court Arbitrator
  - Dispute Resolution Commission Certified Mediator

## **Volunteer Work and Community Involvement**

|  |              |
|--|--------------|
| Truancy Court at Carrington Middle School, Presiding Judge       | 2004-present |
| The Summit Church, Active Member                                 | 1992-present |
| 100 Men in Black All-Male Chorus, Active Member                  | 2012-present |
| Durham County Bar Association, Former Board Member               |              |
| Durham County Bar Grievance Committee                            |              |
| Northern Junior Athletic Association, Treasurer and Board Member |              |

## **Education**

### **Doctor of Jurisprudence**

**May 1976**

Cumberland School of Law  
Samford University, Birmingham, AL

### **Bachelor of Arts in Political Science**

**May 1973**

University of North Carolina at Chapel Hill

## **Personal Data**

Born on October 18, 1950 in Roxboro, NC  
Graduated from Northern High School, Class of 1969  
Wife of 45+ years: Renee Hill  
4 children & 6 grandchildren