

Honorable Renee M. Jimenez – Juvenile Court Judge

Serving Salt Lake, Summit, and Tooele counties



Commission Recommendation: **RETAIN**

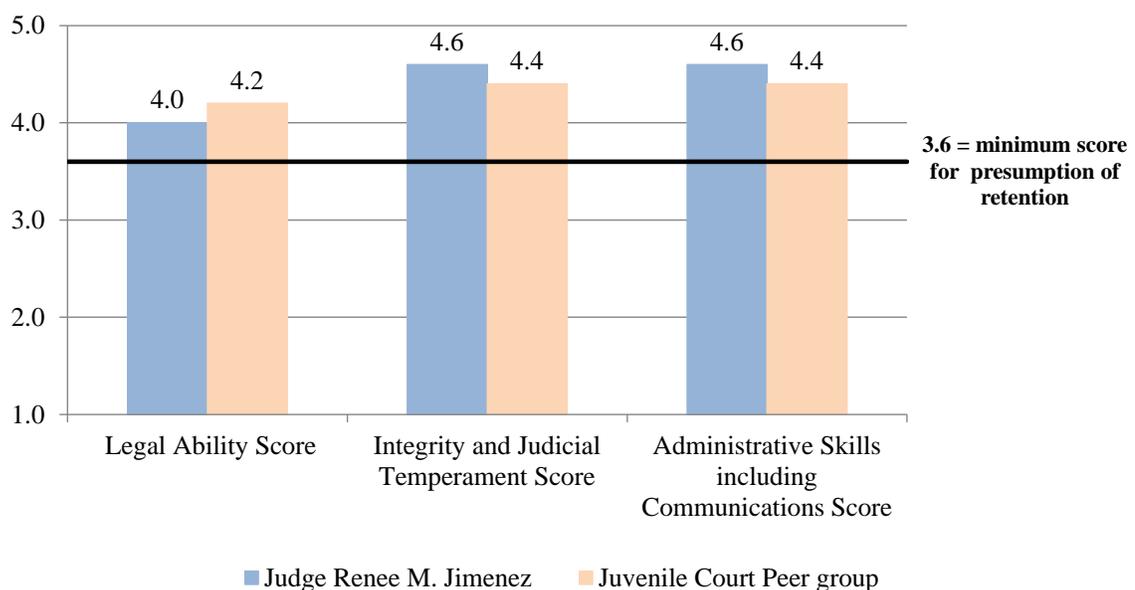
(vote count: 12-0 for retention)

Appointed to the bench in 2013, Judge Renee Jimenez scores higher than the average of her juvenile court peers in administrative skills and consistent with her peers in all other survey categories. Survey respondents describe her as a fair, well-prepared judge who runs a timely courtroom and shows consistent respect to all. They say she puts people at ease while still maintaining her authority. From a list, survey respondents select 98% positive adjectives to describe Judge Jimenez, emphasizing her calm, polite, and receptive manner. Courtroom observers report that Judge Jimenez runs a business-like courtroom yet maintains a non-threatening courtroom atmosphere. They note that she listens intently and seems well-informed about each case before her. Of survey respondents answering the retention question, 98% recommend that Judge Jimenez be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Jimenez has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Renee Jimenez was appointed to the Third District Juvenile Court in 2013 by Gov. Gary Herbert. She received an undergraduate degree from the University of Utah in 1988 and a law degree from the University of Utah College of Law in 1991. Until her appointment to the bench, Judge Jimenez worked for the Utah Attorney General's Office in the Division of Child and Family Support and in the Child Protection Division. She has served on the Utah Supreme Court's Ethics and Discipline Diversion Committee, the Judicial Ethics Advisory Committee, the advisory committee on Disproportionate Minority Contact and the Juvenile Court eFiling Steering Committee. Judge Jimenez also presides over a Family Dependency Drug Court.

This judge has met all minimum performance standards established by law.



The Honorable Renee M. Jimenez

Judicial Performance Evaluation Commission Report

Retention 2016

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II. Courtroom Observation Report

I. Survey Report

Survey Results

A. How to Read the Results

For Judge Renee M. Jimenez, 45% of qualified survey respondents submitted surveys. Of those who responded, 64 agreed they had worked with Judge Renee M. Jimenez enough to evaluate her performance. This report reflects these 64 responses. The survey results are divided into five sections:

- Statutory category scores
- Retention question
- Procedural fairness survey score
- Responses to individual survey questions
- Summary of adjectives

The results are shown in both graphs and tables. Each judge's scores are shown along with a comparison to other judges who serve at the same court level. The comparison group is called "Juvenile Court" on the charts.

The statutory category scores and the procedural fairness survey score represent average scores on a scale of 1 (inadequate) to 5 (outstanding). Responses from all survey respondent groups contribute to the average score shown for each category, with the exception of Legal Ability. Only attorneys answer the Legal Ability questions.

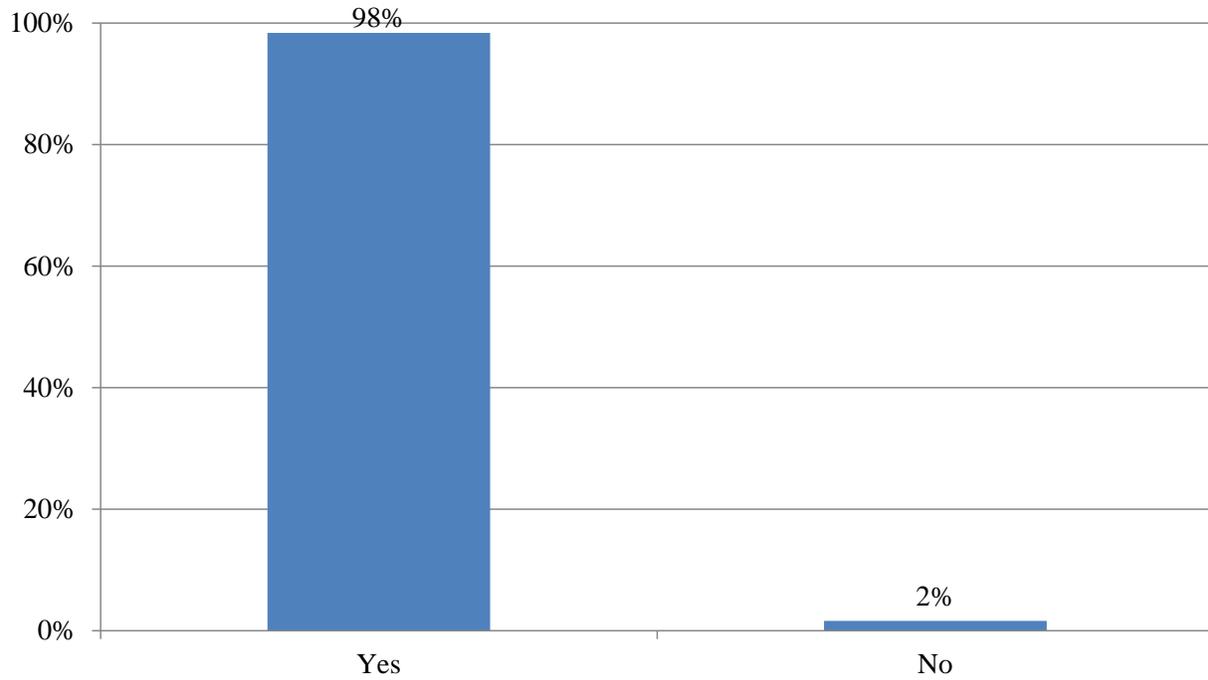
What does it take to "pass"? The judge must score a minimum of 3.6 on Legal Ability, Integrity & Judicial Temperament, and Administrative Skills to earn a presumption of retention from the Commission. That is, if a judge scores an average of 3.6 in each of these categories, the commission will vote to recommend retention unless it can articulate a substantial reason for overcoming the presumption in favor of retention. Similarly, if a judge fails to get a 3.6 in a category, the commission will vote against retention unless it can articulate a substantial reason for overcoming the presumption against retention.

For procedural fairness, the judge must demonstrate that it is more likely than not, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants. Judges will receive either a Pass or Fail in procedural fairness, and this determination will be made by the commission only during the retention cycle.

Respondents are asked whether or not they think the judge should be recommended for retention only during the retention cycle.

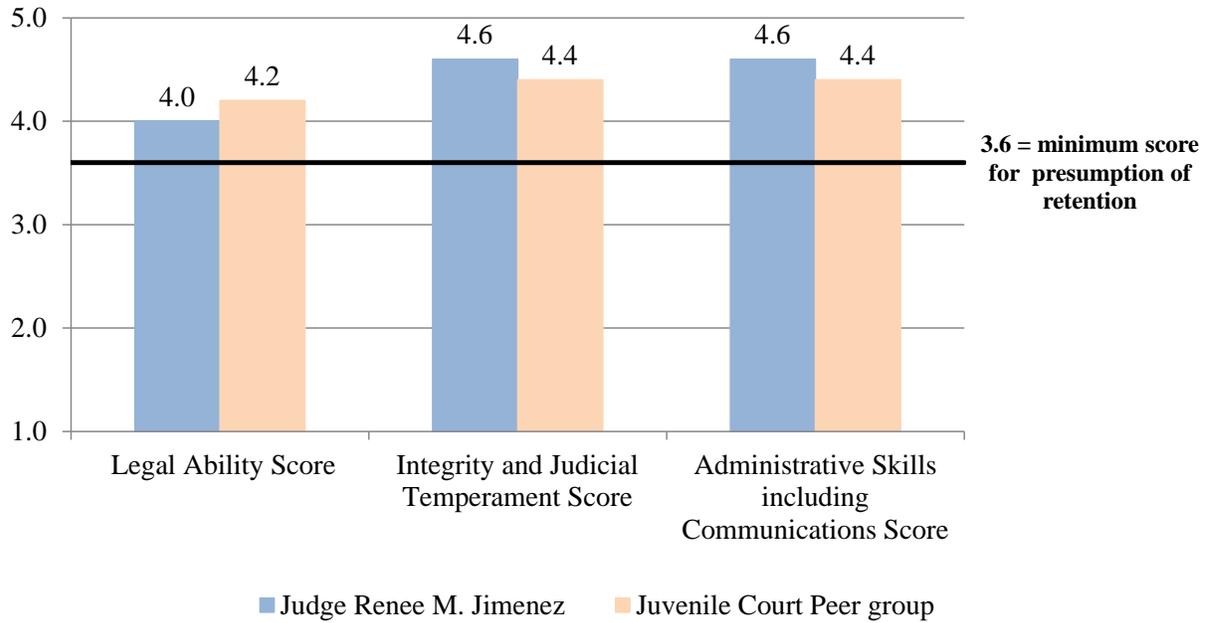
B. Retention Question

Figure A. Would you recommend that Judge Renee M. Jimenez be retained?



C. Statutory Category Scores

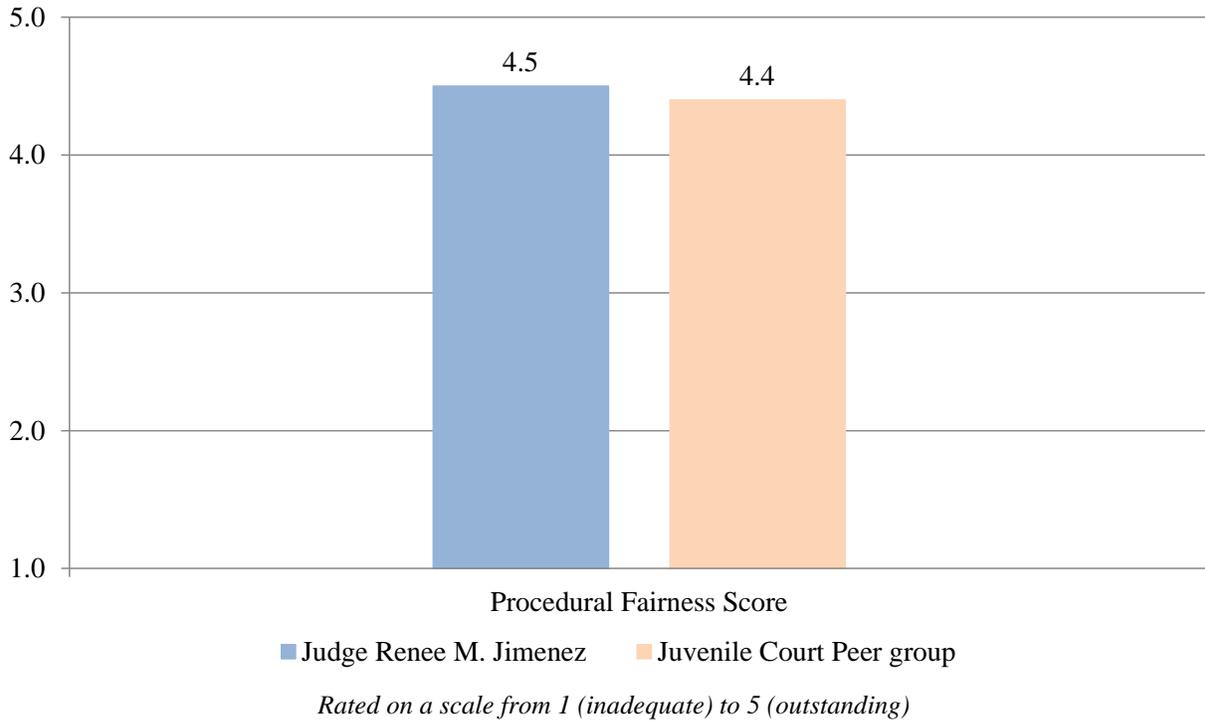
Figure B. Statutory Category Scores



Rated on a scale from 1 (inadequate) to 5 (outstanding)

D. Procedural Fairness Score

Figure C. Procedural Fairness Score



For procedural fairness, the judge must demonstrate by a preponderance of the evidence that the judge’s conduct in court promotes procedural fairness for court participants. This determination is based on courtroom observations and relevant survey responses.

Table A. Overall Procedural Fairness Determination (for Retention Only)

| Category | Judge Renee M. Jimenez |
|---------------------|------------------------|
| Procedural Fairness | Pass |

E. Responses to Individual Survey Questions

Table B. Responses to Survey Questions

| Category | Question | Judge Renee M. Jimenez | Juvenile Court |
|----------------------------------|---|------------------------|----------------|
| Legal Ability | The judge follows the applicable legal rules (e.g. civil procedure, criminal procedure, evidence, juvenile, appellate) that apply to the case at issue. | 3.9 | 4.3 |
| Legal Ability | The judge makes appropriate findings of fact and applies the law to those facts. | 4.1 | 4.2 |
| Legal Ability | The judge follows legal precedent or clearly explains departures from precedent. | 4.0 | 4.2 |
| Legal Ability | The judge only considers evidence in the record. | 4.0 | 4.1 |
| Legal Ability | The judge's written opinions/decisions offer meaningful legal analysis. | 4.1 | 4.2 |
| Legal Ability | The judge's written opinions contain a readily understandable, concise ruling | 4.2 | 4.3 |
| Integrity & Judicial Temperament | The judge makes sure that everyone's behavior in the courtroom is proper. | 4.4 | 4.6 |
| Integrity & Judicial Temperament | The judge appears to pay attention to what goes on in court. | 4.6 | 4.6 |
| Integrity & Judicial Temperament | The judge's personal life or beliefs do not impair his or her judicial performance. | 4.5 | 4.4 |
| Integrity & Judicial Temperament | The judge demonstrates respect for the time and expense of those attending court. | 4.6 | 4.3 |
| Integrity & Judicial Temperament | The judge promotes access to the justice system for people who speak a language other than English, or for people who have a physical or mental limitation. | 4.7 | 4.7 |

Rated on a scale from 1 (inadequate) to 5 (outstanding)

Table C. Responses to Survey Questions (continued)

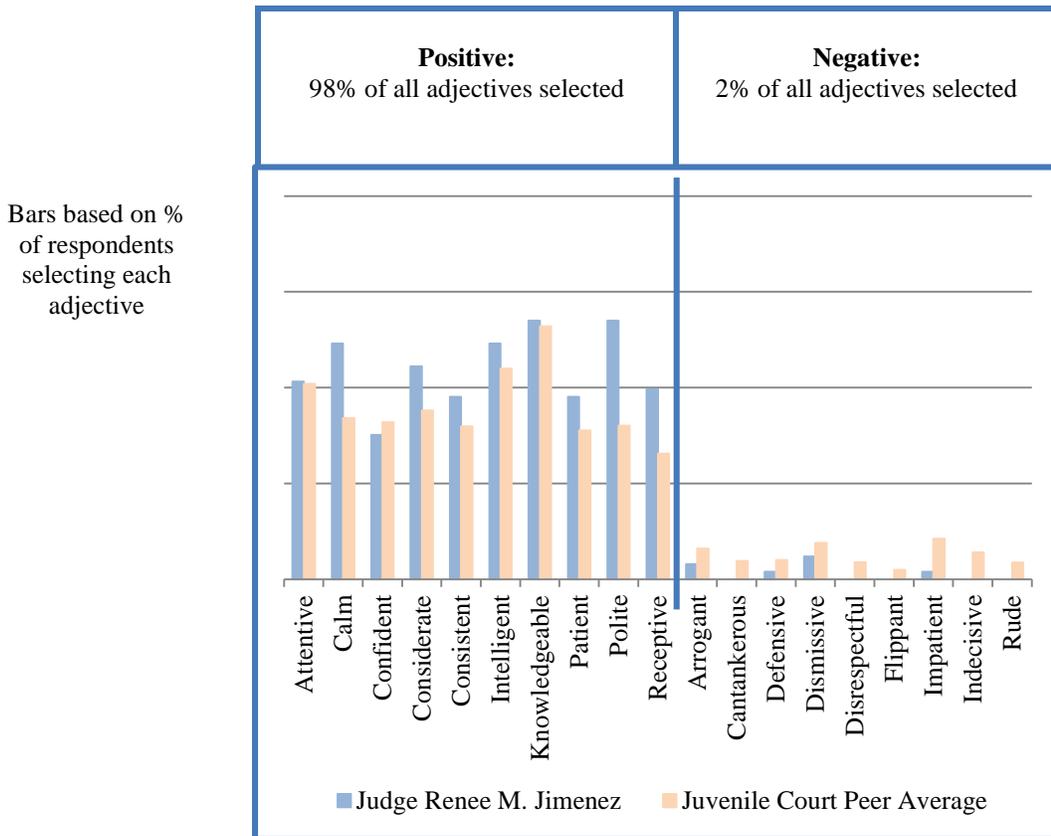
| Category | Question | Judge Renee M. Jimenez | Juvenile Court |
|-----------------------|---|-------------------------------|-----------------------|
| Administrative Skills | The judge is prepared for court proceedings. | 4.7 | 4.6 |
| Administrative Skills | The judge's interactions with courtroom participants and staff are professional and constructive. | 4.6 | 4.5 |
| Administrative Skills | The judge is an effective manager. | 4.6 | 4.4 |
| Administrative Skills | The judge convenes court without undue delay. | 4.6 | 4.3 |
| Administrative Skills | The judge rules in a timely fashion. | 4.6 | 4.6 |
| Administrative Skills | The judge maintains diligent work habits. | 4.6 | 4.6 |
| Administrative Skills | The judge's oral communications are clear. | 4.6 | 4.6 |
| Administrative Skills | The judge's written opinions/decisions are clear and logical. | 4.7 | 4.6 |
| Procedural Fairness | The judge treats all courtroom participants with equal respect. | 4.5 | 4.5 |
| Procedural Fairness | The judge is fair and impartial. | 4.5 | 4.5 |
| Procedural Fairness | The judge promotes public trust and confidence in the courts through his or her conduct. | 4.5 | 4.5 |
| Procedural Fairness | The judge provides the parties with a meaningful opportunity to be heard. | 4.5 | 4.6 |

Rated on a scale from 1 (inadequate) to 5 (outstanding)

F. Adjective Question Summary

From a provided list, survey respondents selected multiple adjectives to best describe the judge. The “positive” and “negative” labels at the top of the graph refer to the percent of all adjectives selected by all respondents that were either positive or negative. Each bar is based on the percent of respondents who selected that adjective. The adjacent bar shows a comparison to the other evaluated judges who serve on the same court level.

Figure D. Adjective Responses



G. Attorney Demographics

Table D: What are your primary areas of practice?

| | |
|-------------|-----|
| Collections | - |
| Domestic | 24% |
| Criminal | 44% |
| Civil | 12% |
| Other | 56% |

Because many attorneys practice in multiple areas, totals may not equal 100%

Table E: How many trials or hearings have you had with this judge over the past year?

| | |
|--------------|-----|
| 5 or fewer | 40% |
| 6 - 10 | 12% |
| 11 - 15 | 4% |
| 16 - 20 | 8% |
| More than 20 | 36% |

Survey Background and Methods

This report presents the results from the 2015 survey process, conducted by Market Decisions, LLC. A detailed description of the survey methodology is available separately on the Utah Judicial Performance Evaluation website.

A. Survey Overview

1. Description of Sample

The following groups are invited to participate in the survey process:

- Attorneys with appearances before the judge
- Court staff who work with the judge
- Juvenile court professionals who work in the judge's courtroom on a regular and continuing basis to provide substantive input to the judge (juvenile court judges only)
- Jurors who participate in jury deliberation (district and justice court judges only)

With the exception of the attorney survey, the survey contractor attempts to survey all court staff and juvenile court professionals who work with the judge and all jurors who reach the point of jury deliberation. The lists of court staff and juvenile court professionals are provided by the courts and by the Division of Child and Family Services and Juvenile Justice Services. A list of jurors is created after each trial. All lists are forwarded to the surveyor, Market Decisions, LLC.

For the attorney survey, a representative sample of attorneys is drawn to evaluate each judge based on appearances over a designated time period. The sample is weighted to select those with the greatest experience before the judge, assuming that these people will have a better knowledge base about the judge than those with less experience. Attorneys are first stratified into three groups: those with one or more trial appearances, those with three or more non-trial appearances, and those with one to two non-trial appearances. Attorneys within each sample are then randomized prior to selection. Selection begins with attorneys who have trial experience, then those with a greater number of non-trial appearances (if needed), and finally those with fewer non-trial appearances (if needed).

2. Summary of Survey Methods

Surveys are conducted online, using web-based survey software. Each qualified respondent receives an initial email notification signed by the Governor, Chief Justice, President of the Senate, and Speaker of the House, requesting participation in the survey. Next, an email invitation, signed by JPEC's Executive Director and the Utah State Bar President, contains links to all the individual surveys each respondent is invited to complete. A reminder email is sent one week later to those who did not respond by completing and submitting a survey. This is followed by two additional reminder emails sent to respondents over the next three weeks. If a respondent completes only part of the survey, he or she is able to finish the survey at a later time. Once a respondent has completed the survey for a specific judge, that survey is locked and cannot be accessed again.

The number of questions included in the survey varies, ranging from 9 (jurors) to 24 (attorneys with an appearance before an appellate court judge). Each question is evaluated on a sliding scale ranging from 1 (inadequate) to 5 (outstanding).

Responses to individual questions are used to calculate averaged scores in three statutory categories: Legal Ability, Integrity & Judicial Temperament, and Administrative Skills. Judges also receive an averaged score in Procedural Fairness.

B. Evaluation Period

The retention evaluation period for judges standing for election in 2016 began on January 1, 2014 and ended on June 30, 2015.

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE RENEE JIMENEZ

Four observers wrote 98 codable units that were relevant to 14 of the 15 criteria. One observer reported that the judge was aware that JPEC observers were present, and three did not know if the judge was aware.

Overview

| | |
|---------------------------|--|
| OVERALL ASSESSMENT | <ul style="list-style-type: none">• Two observers were positive about Judge Jimenez, and one observer was somewhat positive. Observer A was positive in some areas but expressed stronger reservations in other areas.• All observers reported that they would feel comfortable appearing before Judge Jimenez. |
| WIDELY AGREED-UPON THEMES | <ul style="list-style-type: none">• Three observers reported that Judge Jimenez listened intently while taking notes, was well-informed about cases, and knowledgeable about the law. She started on time and was flexible in accommodating participants' schedules. She neither smiled nor frowned, but showed her concern through good eye contact. She spoke in a calm, warm voice that was clearly audible. The court was business-like with no small talk, but non-threatening. Judge Jimenez spent time explaining her thinking and the reasons for her decisions. |
| MINORITY OBSERVATIONS | <ul style="list-style-type: none">• <u>COURTESY, POLITENESS, AND GENERAL Demeanor</u> Two observers reported that Judge Jimenez was calm and confident, and she praised juveniles and parents in a friendly manner before tackling problematic areas. However, two observers reported that while Judge Jimenez was a no-nonsense judge who was fair and followed the law, she was also fairly generic and could have shown an emotional interest in defendants. One of these observers, Observer A, expressed stronger reservations about Judge Jimenez's impersonal demeanor (see "Anomalous comments").• <u>CONSISTENT AND EQUAL TREATMENT</u> Two observers reported that Judge Jimenez handled all cases on an equal basis. However, observers also reported that the judge was not consistent in all areas.<ul style="list-style-type: none">• <u>DEMONSTRATES CONCERN FOR INDIVIDUAL NEEDS</u> Three observers reported on Judge Jimenez's genuine concern for each defendant. In contrast, Observer A reported that her concern was shown inconsistently, with humane, personal, and positive exchanges with some participants, and impersonal, perfunctory, and minimal reactions to others.• <u>UNHURRIED AND CAREFUL</u> While two observers reported that Judge Jimenez was calm and careful in her research and decision-making with no feeling of being rushed, Observer A noted that cases went by so fast, in 3-17 minutes.• <u>CONSIDERED VOICE</u> All observers reported that Judge Jimenez gave an opportunity to participants to express their point of view, and she listened to and took account of their opinions. However, three observers also provided examples in which the judge was not consistent in involving participants in open discussion.• <u>ENSURES INFORMATION UNDERSTOOD</u> Two observers reported that Judge Jimenez confirmed participants' understanding and paused for interpreters. However, two observers reported that she did so in some cases but not in others. |
| ANOMALOUS COMMENTS | <ul style="list-style-type: none">• Observer A reported at length on Judge Jimenez's impersonal and mechanical approach, in which the efficient court environment of reporting and scheduling was unsettling, and in which the human component of acknowledging and welcoming participants to juvenile court was missing (see "Courtesy, politeness, and general demeanor" and "Courtroom tone & atmosphere"). |

Summary and *exemplar language* of four observers' comments

| <i>RESPECT</i> | |
|--|---|
| Listening & focus | Three observers reported that Judge Jimenez listened <i>carefully</i> and <i>intently</i> , and she <i>showed she was listening by looking directly at each person speaking</i> . She took notes as people were talking. |
| Well-prepared & efficient | Two observers reported that Judge Jimenez was <i>well informed</i> about cases and <i>knowledgeable about the law</i> . |
| Respect for others' time | All observers reported that Judge Jimenez <i>started on time</i> . She <i>left the courtroom between cases and returned promptly when told the parties were ready to proceed</i> . She <i>displayed flexibility</i> when setting schedules, allowing a foster parent to schedule a court date <i>during non-school hours</i> , and in another case asking a father, " <i>Sir, does that work with your schedule?</i> " |
| Courtesy, politeness, and general demeanor | <p>Two observers reported that Judge Jimenez was <i>very calm</i> and <i>exuded a feeling of confidence and knowledge of the proceedings</i>. She <i>praised juveniles</i> for their <i>good efforts</i> in a <i>very friendly tone before tackling problematic areas</i>, saying, "<i>I'm glad to hear you took the initiative to talk to your teachers. That shows some maturity,</i>" or, "<i>Keep up the good work.</i>" In one case she <i>scanned the courtroom, smiling</i> and saying, "<i>I can see the father ... from other times he has been in my courtroom.</i>" She <i>praised parents' efforts to comply with court stipulations</i> so they could <i>eventually be reunited with their children</i>, saying, "<i>I have to congratulate the parents. Sounds like you're doing what you need to do... I think you're on the home stretch with the case.</i>"</p> <p>In marked contrast, one observer reported that Judge Jimenez was a <i>no-nonsense</i> judge who was <i>fairly generic although fair</i>, with a <i>flat affect</i>, and who did <i>not show any kind of emotion</i>. This observer felt the judge <i>could have shown somewhat more of an emotional interest in the defendants</i>. Similarly, Observer A would <i>trust her expertise and ability to follow the law</i> but reported that Judge Jimenez <i>may not come across as touchy feely</i>. Observer A reported at length about a <i>void</i> in the court due to its <i>impersonal, mechanical, and lecturing approach</i> in which a <i>human component was missing</i>. Observer A felt that <i>subjective input was needed and wondered if the human aspect to these difficult, complex family circumstances takes place behind the scenes and the court is a formality?</i> Specifically, Observer A felt that <i>grandparents, the child, and the foster parents</i> were the <i>important people</i> but were <i>not acknowledged adequately</i>. <i>No one seemed welcomed for his or her presence or thanked for being there, and introductions seemed like a matter of record rather than a humane interchange. Rarely were adults addressed by name; some children were addressed by name and some not.</i> Judge Jimenez would <i>request a report, listen while looking at the party as they spoke, write, and then request the next report, without any reaction as the reporting occurred</i>. In some cases the judge <i>ended by identifying the client by name (but not the foster parent or caseworkers)</i> and <i>offering a positive statement</i>, saying, "<i>All right ____, see you in October. Keep up the good work,</i>" but some cases ended only with, "<i>That will be all.</i>"</p> |
| Body language | Three observers reported that Judge Jimenez maintained a <i>neutral facial expression throughout</i> , neither <i>smiling nor frowning</i> . She showed her <i>genuine concern</i> and that she was <i>paying attention</i> through her <i>good eye contact and body language</i> . However, Observer A reported that when <i>parties were reporting</i> , Judge Jimenez <i>would write and occasionally look at the parties speaking</i> . |
| Voice quality | Two observers reported that Judge Jimenez spoke in a <i>calm, warm</i> voice that <i>could be clearly heard</i> . |
| Courtroom tone & atmosphere | <p>Three observers reported that the court was <i>very business like</i> but also <i>non-threatening</i>. Between cases there was <i>no small talk or conversation with anyone</i>, except during <i>one lull between cases when Judge Jimenez and the court clerk chatted about their daughters</i>. One observer noted that Judge Jimenez had a <i>good rapport with court staff and the attorneys who held her in high regard</i>.</p> <p>Observer A felt that this juvenile court was an <i>environment of reporting and scheduling and unwelcoming routine</i>, and the <i>efficiency</i> of this court was <i>unsettling</i>, in contrast to the observer's expectation of a <i>warm, inviting, comprehensive, and educational juvenile court</i>.</p> |

NEUTRALITY

Consistent and equal treatment Two observers reported that Judge Jimenez handled all cases on an *equal basis*. She *gathered information, identified or summarized the plan or court decision, and set the next court date* with the same demeanor. In one case she indicated *up front* that her *knowledge of the client and family is basically on paper*, saying, “*I need as much information as possible from everyone in the court to make a good decision about this client.*” However, observers reported that the judge was not consistent in all areas (see “Demonstrates concern for individual needs,” “Unhurried and careful,” “Considered voice,” and “Ensures information understood”).

Demonstrates concern for individual needs Three observers reported that Judge Jimenez’s *thoughtful questions demonstrated genuine concern*. The judge was very *concerned about a young man* in foster care who was *not eating in response* to the state not purchasing him a smart phone so he could *Skype with friends in his home country*. Judge Jimenez asked through the interpreter, “*Is it true that you’re not eating? I’m very concerned about your health ... You can use Skype on a computer. Your foster family is willing to let you use the computer. In the court we use Skype through a computer.*” She then offered the young man a treat which he accepted, and the judge *smiled and commented that this was a good sign that he was going to start to eat*. In another case she *attempted to ensure that a young female* who did not qualify for a state appointed attorney had representation, inviting her to *speak with the prosecutor*, after which the *public defender offered to take the case pro bono, but the defendant would not accept it and decided to proceed by herself*.

In contrast, Observer A reported inconsistent concern shown to various parties. She engaged in a *humane and personal exchange* with a teen that was a *conversation and not a one sided demand* about *what he envisioned for himself*, ending with a *positive statement and outlook for the next review*. In another case Observer A appreciated that Judge Jimenez *spoke for the parties working to improve a family situation* when telling parents who were not following a court order that it was *not optional and must be followed through, and they were not being fair to their family or those assisting them*. However, the *tone* of her comment that they were *not taking advantage of no cost or low cost services* was *judgmental* and a *lecture* and did *not encourage the parents to explain why they had not followed through*. In another case the judge’s *reaction was minimal*, and the observer wished the judge had given a father *more input or peace of mind* when he asked to clarify that he had *not received family counseling*, noting it was *important to him and the future of his son*. In another *impersonal, matter of fact* adoption case there was *no back and forth exchange or confirmation of understanding*. The case ended with a *perfunctory* “*Thank you and that will be all,*” which communicated to the observer, “*Leave the court, the box is checked.*”

Unhurried and careful Two observers reported that Judge Jimenez was *calm, unhurried, and careful in her researching and decision making*. She *addressed the business at hand without extraneous conversations or wasted time*, but she *did not give a feeling of being rushed to get to the next case*. In one case *before accepting a charge against a young defendant, she discussed the charge to ascertain what he understood of the charge and how he interpreted his actions, showing a concern for accuracy*.

However, Observer A noted that cases went by *so fast, ranging from 3 to 17 minutes*. She *tried to engage a child in conversation with subjects she knew he enjoyed*, but the case *took 5 minutes, and after identifying the plan and setting dates she ended by saying, “All right. That will be all.”*

VOICE

Considered voice All observers reported that Judge Jimenez gave an *opportunity to all participants to speak, comment on her questions, and express their points of view*. She spoke to each juvenile and *encouraged them to participate* by explaining their *interpretation of events* after charges were read and recommendations given. She *considered information from all parties and summarized what she had heard before handing down a decision*. She asked if *family members had questions*, asking, “*Sir, anything you would like to say?*” She *included parents in care discussions* and their *opinions were listened to*. She agreed with a mother who explained through an interpreter *how tight a hold she had on her son and that he had made major accomplishments since the charge and did not feel that he needed admission to the structured program that was recommended*.

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| Considered voice continued | However, three observers also reported that Judge Jimenez was not consistent. One observer was <i>disappointed</i> that she <i>did not involve parents more by asking questions and soliciting their input</i> , and another noted that Judge Jimenez <i>did not assume that participants had questions, asking yes/no questions rather than “What questions do you have?” to open discussion</i> . Observer A reported an <i>awkward and unsettling moment</i> in an adoption case when the judge <i>used a tone that said ‘stop speaking to me.’</i> The <i>confused mother tried to speak by making eye contact with the judge</i> , but Judge Jimenez <i>cut the mother off and told her to speak to her attorney</i> . The judge was <i>not unpleasant but was not understanding or educating either</i> , and Observer A felt that <i>if there was a legal reason for not speaking to the judge directly she could have explained this</i> . |
|----------------------------|--|

COMMUNICATION

| | |
|--------------------------------|--|
| Ensures information understood | <p>Two observers reported that Judge Jimenez <i>looked directly at an interpreter</i> who was translating what she had said, <i>pausing frequently for the interpreter to tell the defendant what she had said</i>. She <i>summarized and confirmed</i> participants’ understanding, which <i>left the door open for questions or conversation and exchange of ideas, thoughts, and comprehension</i>.</p> <p>However, two observers reported that Judge Jimenez was not consistent. Observer A reported that the judge asked whether a participant <i>understood what the judge had relayed</i>, and she then <i>summarized the plan</i>. But the observer also reported that <i>this did not happen consistently</i>. Another observer similarly reported that while in one case the judge <i>took a great deal of care to ask and respond to questions to ensure the parties understood the charges and consequences of court decisions</i>, in another case she <i>should have taken particular care to ensure that an unrepresented juvenile understood the proceedings</i>, but instead <i>read the charges very rapidly and barely gave the defendant time to respond before moving on to the next charge</i>, and the observer <i>had a difficult time keeping up with the charges she was addressing</i>.</p> |
|--------------------------------|--|

| | |
|--------------------------------|--|
| Provides adequate explanations | Two observers reported that Judge Jimenez <i>spent time explaining what she was thinking and the reasons for her decisions</i> , that they were not <i>simply punishment</i> , in one case saying, <i>“When they searched your room there was sufficient drug paraphernalia to indicate involvement with a drug lifestyle ... what your dad says shows you need some added structure.”</i> She <i>did a good job explaining to a young man who had asked to change his placement</i> , <i>“Do you understand I don’t have the authority to change your placement? Catholic Community Services makes that decision,”</i> and telling him that <i>he could make a request to Catholic Community Services</i> . |
|--------------------------------|--|
