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LAW PRACTICE • Jul. 24, 2008

Alameda Judge's Ruling Saves Welfare Benefits

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OAKLAND - A team of private and public interest lawyers has won a bid to preserve welfare benefits for thousands of Alameda County's poorest residents.

The case could help poor people in other counties who are facing similar cuts, the attorneys said.

Lawyers for the Public Interest Law Project in Oakland rushed to court last month to block the Alameda County Social Services Agency from tightening its eligibility requirements for general assistance, which provides monthly checks to indigent adults who don't qualify for other assistance programs.

Under the plan, 5,000 of the 8,500 recipients would have lost benefits of up to \$336 a month, the plaintiffs said.

On Tuesday, Alameda County Superior Court Judge David E. Hunter struck down the county's proposed new eligibility requirements.

The county wanted to limit benefits to six months a year for those who are deemed employable, but the county evaluated employability without considering things such as education, work history and job availability.

Hunter said such a change would violate a state law that requires counties to help the indigent.

"While counties are given certain options for limiting eligibility for and availability of benefits, they are still held to the bedrock standards of providing assistance to the indigent in a humane and fair manner," Hunter wrote.

Judith Z. Gold of Heller Ehrman's San Francisco office and **Steven Weiss** of Bay Area Legal Aid took the lead in filing the litigation.

"I'm really happy about it," Gold said of the judge's decision. "It was really an emergency. It was a case that really stirred our passions."

Tuesday's ruling also might be used to help indigent people in other counties, Gold said.

The team plans to investigate other counties that define employability in a way similar to the one Hunter found illegal, she said.

The advocates for the poor argued that cutting off welfare benefits increases homelessness and burdens other public agencies.

Among the Alameda County residents whose monthly benefits were spared are a refugee from Afghanistan who can't speak English and a man who recently had surgery to remove a brain tumor.

Alameda County Counsel Richard Winnie said the county's social services agency is working to revamp the employability standards to alleviate the judge's concerns while limiting benefits to those who are truly not employable.

"We all need to reach a practical solution," Winnie said. "There are grounds for appeal, but that's not our first instinct here."

The case is *Watkins v. County of Alameda*, RG08391409.

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