

Lloyd family attorney says lawsuit will proceed



PAT GREENHOUSE/GLOBE STAFF

Ursula Ward, the mother of Odin Lloyd, paused while addressing the media Tuesday.

By [Milton J. Valencia](#)

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An attorney for the family of Odin L. Lloyd said Tuesday that their wrongful death lawsuit against the estate of Aaron Hernandez will not be derailed by a judge's decision Tuesday to vacate his criminal conviction.

Douglas K. Sheff, an attorney for Lloyd's mother, Ursula Ward, said a judge in the civil lawsuit had already made a preliminary finding that the former New England

Patriots star was at fault in Lloyd's death, before Hernandez killed himself in prison last month.

The only remaining questions are whether Hernandez's estate could be liable for damages and to what extent, Sheff said.

"I believe we're on very solid ground on the civil case, regardless of what happens in the criminal matter," Sheff said, adding that the initial determination that Hernandez was at fault in the death will "be the governing law of the civil wrongful death suit."

Hernandez was convicted in Bristol Superior Court in 2015 of shooting Lloyd in an industrial park near Hernandez's North Attleborough home. However, [because the death of Hernandez came before his conviction was reviewed by the Supreme Judicial Court](#), Bristol Superior Court Judge Susan Garsh set aside the conviction Tuesday, ruling that state law requires dismissal when a defendant dies before their appeal is decided.

Dennis M. Lindgren, a partner at Pierce & Mandell in Boston, who followed the Hernandez case and follows wrongful death lawsuits in general, agreed that the lack of a criminal conviction may not affect the family's case, saying a civil lawsuit is not contingent upon a criminal conviction.

Though the judge in the civil lawsuit made a preliminary finding that Hernandez was at fault, that determination only allows the case to proceed: A jury will have to hear evidence and decide whether Hernandez is liable, and to what extent.

Lindgren said a civil jury will hear the same evidence that the jury in the criminal case heard, and it will review the case with a lower legal standard than what was required for the criminal conviction — a standard of "more likely than not" used in civil proceedings, rather than the higher threshold of "beyond a reasonable doubt."

For instance, former NFL star O.J. Simpson was acquitted in a criminal case of the 1994 murders of his ex-wife, Nicole Brown Simpson, and her friend, Ronald

Goldman, though a civil jury awarded a \$33.5 million judgment against him in a wrongful death suit.

“If they can prove the case in a criminal matter, the chances are they will prove it in a civil matter,” Lindgren said.

Sheff, the family’s lawyer, pointed out that Bristol County District Attorney Thomas M. Quinn III has said he will appeal Garsh’s ruling, so there is a chance the criminal conviction will be reinstated.

Hernandez was found hanged inside his cell at the state’s maximum security prison in Shirley on April 19. The death came five days after he was acquitted of two separate murders in Boston in 2012.

The families of those two men, Safiro Furtado and Daniel de Abreu, have also filed wrongful death lawsuits against Hernandez’s estate.

Lawyers in the civil cases, including lawyers for Hernandez, have questioned whether Hernandez’s estate would be entitled to money owed to him by the New England Patriots before his arrest, now that the conviction has been vacated.

[The Globe has reported, however, that the estate would probably not receive any money from the Patriots:](#) Hernandez would likely be found in breach of his contract. Moreover, NFL Players Association records show that the Patriots and Hernandez settled a grievance Hernandez filed in 2014 that gave the Patriots a salary cap credit, indicating a Patriots win. Grievance settlements typically resolve outstanding financial disputes.

However, Hernandez’s estate may be able to draw an NFL pension. It is unclear whom Hernandez named as his beneficiary in case of death.



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Attorney Douglas Sheff represents Ursula Ward, mother of Odin L. Lloyd, in her civil wrongful death case against the estate of Aaron Hernandez.

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