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As published in *The Washington Post*, May 16, 2007 - Scott Surovell, Surovell Markle Isaacs & Levy is quoted on the impact of his client's case and the judge ruling. **Scott Surovell can be reached for comment 703-277-9750 or via email at ssurovell@smillaw.com**

Judge Rules Against the Killer and the Insurer

\$100,000 Awarded to Daughter of Loudoun Woman Shot by Ex-U.S. Marshal

By Sandhya Somashekhar
Washington Post Staff Writer
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Karen Ludwig's life insurance company does not dispute that her husband shot her to death one afternoon in their Loudoun County home during a quarrel. Nor does the company question that the husband, a U.S. marshal for 17 years, waited two days to report her death to authorities.

But the company, Boston Mutual Life Insurance, has spent months in Alexandria federal court, fighting for John Ludwig's right to collect on the \$100,000 life insurance policy his wife signed up for shortly before she was shot five times.

The company argued that John Ludwig was legally entitled to the money because he was convicted of voluntary manslaughter, not murder, in the July 2005 slaying.

But in a written opinion, U.S. District Court Judge James C. Cacheris has ruled against Boston Mutual, calling Ludwig's claim on the money a "quintessential act of chutzpah." In doing so, he clarified what some lawyers said was an ambiguity in state law that could have resulted in a killer one day profiting from a crime.

Under the judge's ruling, filed Friday, the money would go to Karen Ludwig's daughter from a previous marriage, Brandy Snider, 20, a single mother who lives with her grandmother in rural Pennsylvania and works at a convenience store.

"Hopefully, with this decision on the books, people like my client won't have to spend a fortune to get what they're entitled to," said **Scott Surovell**, who is Snider's attorney. His client was stunned to learn that Ludwig and Boston Mutual were challenging her right to the money as Karen Ludwig's only child.

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"I just couldn't believe he thought he could benefit from my mom's death," said Snider, who plans to go to nursing school.

Snider, who was 18 when her mother was killed in the Ludwigs' Ashburn home, sat in a Loudoun courtroom in July and listened to what prosecutors said was a cut-and-dried case of murder. But John Ludwig's defense attorneys contended that he did not mean to kill his wife and that he reacted with a defensive instinct honed during his years in law enforcement.

Ludwig, now 54, told the jury that his wife pulled a gun first and that he shot her in self-defense. Prosecutors noted that Ludwig failed to mention that to investigators until a month after her death, but a parade of experts testified that it was plausible that Ludwig suffered from amnesia brought on by trauma.

Ludwig also testified that it took him two days to report the crime because he blacked out from drinking alcohol and ingesting pills.

Ultimately, the jury convicted Ludwig of the lesser crime of voluntary manslaughter. He was sentenced to 6 1/2 years in prison, which he is serving in the remote Keen Mountain prison in western Virginia, where he is kept away from the general prison population because of his law enforcement background.

About a month after Ludwig's conviction, Boston Mutual asked that a federal judge decide whether Ludwig or Snider should get the life insurance money. But shortly afterward, the company took the unusual step of backing Ludwig in the disputed claim.

Under Virginia's "slayer statute," murderers are prevented from profiting from victims' deaths. But Boston Mutual argued that because Ludwig was convicted of a lesser crime than murder, he wasn't barred under the law.

"We looked at the law," said Peter Jason, Boston Mutual's attorney. "And we concluded that under the Virginia slayer statute, Mr. Ludwig was not precluded. That is really why we took the position we did."

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In some states, voluntary manslaughter is covered by slayer statutes. One of those states is Pennsylvania. In his opinion, Cacheris ruled that because Karen Ludwig obtained her insurance through her Pennsylvania-based employer, the law in that state applies and not Virginia law, making Snider eligible for the money.

But Cacheris also wrote that the result would have been the same under Virginia law, something that many lawyers said was not clear before the ruling. Jason said the insurance company thinks that Cacheris has interpreted the law too broadly and might appeal.

Another reason Boston Mutual backed Ludwig was financial, Jason said. Karen Ludwig's insurance policy included an accidental death benefit of another \$100,000, which would kick in if the court determined that she died through no fault of her own.

If the court found that Karen Ludwig somehow brought on her own death -- for example, by aiming a gun at her husband -- then the company probably would not have to pay the accidental death benefit, Jason said. But because the court favored Snider over John Ludwig, the company probably will owe \$200,000, including the accidental death benefit, he said. The court has yet to decide on that issue.

"Boston Mutual has an interest in whether Mr. Ludwig or Ms. Snider is entitled to the proceeds because it likely will affect the determination of whether the accidental death benefit is payable," Jason said.

Snider has been battling Ludwig in civil suits since his conviction, pressing her claim to be her mother's heir. So far, all she has received through the suits is a few thousand dollars from the sale of the couple's home and her mother's Harley-Davidson motorcycle.

Despite mounting legal bills, she said, she plans to continue this case and a wrongful death lawsuit she has filed against Ludwig.

"I feel like I should keep fighting," Snider said. "It's something my mom can't do for herself, so I want to do it for her."

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