

THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,
Justice Always
NOVEMBER 2023 NEWSLETTER

“From Good to Great”

When I was working to accurately define our firm’s approach, I landed on, “We Work to Make Good Cases Great.” The most important word in that statement is probably “work.” As my dad taught me as a kid, “Smart and a dollar will get you a cup of coffee. If you want more, you gotta work hard.” I’ll teach my daughter the same, only it will probably be \$5....

Smart isn’t enough. Well intentioned isn’t enough. Even hard work on its own isn’t enough. Taking a case – or any endeavor for that matter – from good to great takes the right kind of work. It takes strategic planning, organization, a clear understanding of who does what by when (and why), sequencing, leadership, accountability, a desire to continuously improve, and shared commitment across the team. The team may be two people or too many to count, but each person must know and appreciate what you’re trying to achieve, as well as the vitality of their role to the outcome.

Since first opening on January 3, 2011, I’ve sought to make good cases great. I didn’t think of it in those terms back then, but the goal has always been quality over quantity. One of the biggest challenges I’ve seen lawyers face is taking on too many cases. Similar to corporatized medicine where a doctor is rushed from patient to patient, unable to give full care and attention to the sick person in front of them, so too are lawyers constantly hopping from one file to the next, unable to devote the time and focus necessary to uncover facts or fully appreciate the impact of an injury upon a client’s life.

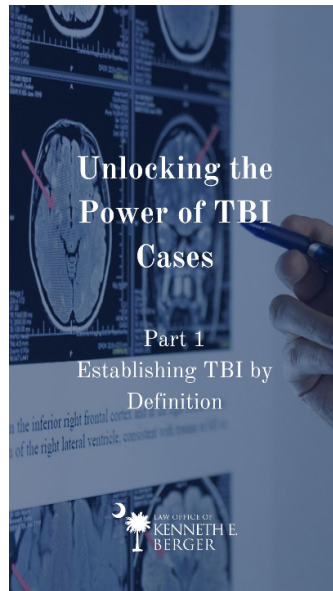
Taking a legal case from good to great typically means having far less cases or far more staff. We’ve opted for the former. I want to know my clients; I want to dig in to why defendants acted recklessly; I want to find the real story and tell it in a way that matters to other human beings; I want to make good cases great. I’m also blessed with a team that shares my vision.

As we enter the last quarter of the year, my wish for you is to see the good in your life, then undertake the work to make it great.



Disclaimer: Any result I may achieve on behalf of one client in one matter does not necessarily indicate similar results can be obtained for other clients. In addition, some of these results were obtained in connection with other firms. I am a South Carolina injury lawyer, not a miracle worker. I evaluate every case on its own merits and only accept a limited number of new cases every year.

Two New Video Series Now Live



We recently published two short-form video series on dram shop litigation and TBI litigation.

The dram shop litigation series explains how we use receipts, dash cam video, and visuals to help prove overservice.

The TBI series covers the five steps we take to identify and develop a traumatic brain injury case.

Check them out on our Instagram page. Make sure to follow us so you don't miss our next series!



Gratitude - Attorney Janek Kazmierski

Historically, Thanksgiving was not celebrated to recognize prosperity, happiness, and success. Rather it was celebrated to remind us that even in times of uncertainty and struggle, there are still reasons to be thankful. When we feel discouraged, anxious, or alone, it may be hard to be thankful. However, it is at times like this when gratitude is most important.

My family has a tradition that you may be familiar with. Before eating our Thanksgiving dinner, each person seated at the table says what they are thankful for. Over the years, there have been times when I felt that there was little to be grateful for, but being at the table with your family and friends makes you think deeper. It forces you to look beyond your problems to see the positives in your life.

Thankfulness helps focus on what is good. When you are surrounded by darkness, thankfulness allows you to see the light. Our problems will not disappear, but they may become more manageable when we take time to recognize the good things in our life. I encourage



everyone to take a moment during the holidays this year to think about what you are thankful for. Whether it be family, faith, or health, we can all find positivity in our lives.

Firm Snapshot

Welcome Attorney Symone Kimelman

Attorney Symone Kimelman joined our team on August 2, 2023. As a first generation lawyer, Symone chose to go to law school because she wanted to help people navigate the complexities of the legal system and give a voice to those who would otherwise go unheard.

She earned her Juris Doctor from Mitchell Hamline School of Law, where she was a top 10 national ranking member of the mock trial team. She simultaneously served as a certified student prosecutor at the Ramsey County Attorney's Office.

Symone eventually moved to South Carolina, and her passion for helping people led her to join our team. She said, "I am proud to be a part of our team because I know our firm's core values resonate with my own. I know every case we handle is fueled by a passion for bringing justice to those who have been harmed and the rewarding feeling of making the community a safer place."

We are so happy to have Symone on our team. We know she will be a caring, compassionate advocate for our clients!



The Practice of Law

The Golden Rule

Lawyers are taught we can't invoke the golden rule and ask jurors to put themselves in our clients' shoes. That's true and for good reason. There are, however, other places for the golden rule in the practice of law. For example, defendants who deny something was dangerous may be asked whether they would expose themselves or a family member to the same situation. It's also important to golden rule yourself when assessing the extent of a client's damages and how much ought to be paid to balance the harm.

For lawyers, perhaps the best application of the golden rule is vis-à-vis opposing counsel. I should always treat them – and everyone else for that matter – the way I want to be treated. At various moments, I let impatience and indignation get the better of me, but in recent years I've made

a concerted effort to go above and beyond in showing adversaries respect. You can be aggressive though reasonable, hardline but fair. You can treat the most ruthless opponents with kindness and extend warmth to the seemingly coldest of hearts.

Following the golden rule doesn't make lawyers a doormat. Rather, it opens doors to meaningful, honest interactions. It doesn't necessarily make friends or earn favors, but a little kindness doesn't hurt either.

In an adversarial system that so many view as a zero-sum equation, it's incredible the good that comes when we treat each other – and witnesses – the way we want to be treated.

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3 The Golden Rule

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