



# LAW OFFICE OF KENNETH E. BERGER, LLC

APRIL 2015 NEWSLETTER

## SAFETY FIRST JUSTICE ALWAYS



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## Justice, Justice Shall You Pursue

BY KENNETH BERGER

I'm not the most religious person, but I do find plenty of instruction from the Good Book. As different faiths approach holidays signifying hope, renewal, freedom, and salvation, I'm reminded of a charge from Deuteronomy to pursue justice. But what does that mean?

Justice you shall pursue. The statement implies action. History proves there is rarely justice without effort. From biblical heroes, to the brave people who gave their lives for civil rights in America, to the lawyers who work endless hours so that our community's right to safety is not sacrificed in the name of corporate profits, justice comes at a cost.

When I began my career, I lamented that

money was the only way to measure justice in many of my cases. Yet as I've learned through experience and from focus groups, money talks. In fact, it is the only language most corporations and insurance companies understand.

So if we want justice – if we want insurance carriers and dangerous companies to begin valuing human life and the safety of our communities – we must first speak their language, then teach them ours. For our language and our experience is rooted in the understanding that a person's life, health, and freedom are not worthless, but priceless.

I wish you many blessings in your pursuit of justice this holiday season.

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.

## Drunk Driving Collision Results in Settlement for 40x the Medical Bills

On a Sunday evening in the spring of 2014, a repeat drunk driver crashes into the back of a young woman's car while she sits at a red light. The cars are totaled. The intoxicated driver is taken to jail. The young woman is disoriented.

The next morning she wakes up to a throbbing headache. Her memory is blurry. Her ability to formulate coherent thoughts and sentences is diminished. The young woman has a concussion (mild traumatic brain injury).

For the next several months, she struggles to regain her mental abilities. The young woman has trouble performing work duties, expressing herself, and getting a full night's sleep. Her symptoms are consistent with post-concussive syndrome.

The young woman's medical bills are minimal. Her brain injury is mild according to medical literature. However, what is neither minimal nor mild is the effect of the TBI upon her life.

Over the course of the lawsuit, I am repeatedly told by insurance lawyers and others that the value of the young woman's case is limited because she has few medical expenses. However, this young woman's case has nothing to do with medical bills and everything to do with the safety rules that protect us all. It is when those safety rules are violated – when drunk drivers get on the road with innocent people – that our community is placed at risk.

In the end, the same people who spoke down to my client, took pot shots at me, and disrespected our case...those same people paid 40x the medical bills.



## REXY'S RECIPES: CHEESY BACON OVEN CHIPS

*via Vittles and Bits*

### Ingredients:

- 1 LARGE UNIFORMLY-SHAPED RUSSET POTATO, SCRUBBED & SLICED INTO 1/8" ROUNDS
- COOKING SPRAY
- 3/4 CUP SHREDDED COLBY JACK OR CHEDDAR CHEESE
- 2 TBSP CRUMBLER BACON (2 SLICES)
- SALT AND PEPPER TO TASTE
- CHOPPED PARSLEY OR CHIVES (OPTIONAL)



### Directions:

1. PREHEAT OVEN TO 375 DEGREES.
2. BRING SLICED POTATOES TO A BOIL IN COLD, SALTED WATER TO COVER FOR 5 MINUTES.
3. CAREFULLY DRAIN, AND TRANSFER SLICES TO A PAPER-TOWEL LINED COUNTER-TOP OR CUTTING BOARD. PAT TO DRY.
4. GREASE A BAKING SHEET WITH COOKING SPRAY, AND LAY OUT POTATO SLICES SO THEY ARE OVERLAPPING.
5. SPRAY LIGHTLY WITH ADDITIONAL COOKING SPRAY, AND SPRINKLE EVENLY WITH SHREDDED CHEESE, BACON, SALT, AND PEPPER.
6. BAKE 12-14 MINUTES UNTIL CHEESE IS MELTED AND BUBBLY. ADD PARSLEY OR CHIVES FOR FINISHING TOUCH.

*Prep Time:*

20 MINS

*Cook Time:*

14 MINS

*Serves:*

2 PEOPLE

## THE BEST AMONG US: J. LEWIS CROMER & ASSOCIATES



We'd like to recognize our dear friends at J. Lewis Cromer & Associates for their outstanding work on behalf of South Carolina's workforce. While our firm protects the rights of those with life-changing physical injuries, J. Lewis Cromer & Associates offers solutions to South Carolinians in need of protection under our employment laws.

J. Lewis Cromer & Associates is rich with history and experience. Its office is centrally located in Columbia, where it can effectively assist individuals throughout the state in employment matters and other types of litigation. They can be reached at 803-799-9530.

# FIRM SNAPSHOT: SCAJ YOUNG LAWYERS SEMINAR



Kenny and Heyward attended the South Carolina Association for Justice (SCAJ) Young Lawyers Seminar in Myrtle Beach on March 7 and 8. As the Young Lawyers Chair for SCAJ, Kenny had the privilege of helping plan the event. Likewise, Heyward attended the seminar and learned how to achieve even better results for our clients.

On the conference's first day, some of South Carolina's top lawyers provided insight on every aspect of trial, from picking a jury to closing arguments. On day two, the young lawyers were broken into smaller groups, and had the chance to work directly with the previous day's speakers in a workshop setting. More than one attendee called it the best seminar he has ever been to. We feel fortunate to have participated in such a successful – and fun – event.

## Concussions Often Result in Far More than a Headache: Learn the Side Effects and Protect Your Health

BY KENNETH BERGER

A concussion, also known as a mild traumatic brain injury (mTBI), can lead to everything from short-term memory loss to long-term personality change. Whether you sustained a concussion due to a car crash, fall, or blow to the head, it is important that you know all the potential side effects. Likewise, please do not assume that “you should be fine by now” simply because an emergency room doctor told you it was “only a concussion.” Too many people in South Carolina suffer lingering effects of mTBI and choose not to pursue proper medical care because they have been convinced that a concussion is a minor incident. Any injury to the brain must be taken seriously, and all symptoms should be properly addressed.

### Possible Effects of a Concussion

While more than 85% of concussion victims make a full recovery within the weeks and months following the injury, nearly 15% experience persistent, sometimes lifelong effects.

Each of the following issues is a known

symptom of concussion: headaches; nausea; light sensitivity; audio sensitivity; dizziness; lack of balance; memory loss; difficulty concentrating; mood swings; depression; restlessness; and sleeplessness.

If you sustained head trauma, and are experiencing any of these symptoms, let your doctor know. In addition, if these symptoms are still present more than 2 weeks after your concussion, I suggest seeking a referral to a neurologist who focuses on TBI. All neurologists are by definition “brain doctors,” though many of them focus on areas other than acquired brain injury.

### Seeking Guidance

I come from a family of doctors, but my love for the law drove me to this profession. Nonetheless, I have always had a strong interest in neuroscience, and therefore sought ways to combine my passions. I found that representing brain injury victims allows me to apply South Carolina law in a way that achieves my greatest goals.

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# Honesty, Loyalty, and Respect

REVIEW BY DUSTIN S. OF COLUMBIA, SC

*via* **Avvo**

<b>Overall rating</b>	★	★	★	★	★	<b>Excellent</b>
Trustworthy	●	●	●	●	●	Excellent
Responsive	●	●	●	●	●	Excellent
Knowledgeable	●	●	●	●	●	Excellent
Kept me informed	●	●	●	●	●	Excellent

“I was injured in a car accident and unsure about how my case would go. I was surprised by how friendly and highly spirited Kenny and his staff were. They treated me like a human being and explained everything in plenty of detail. Now that my case has come to an end, I feel like I finally got what was fair. I would recommend someone to Kenny, because he settled my case and we had fun.”



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