



LAW OFFICE OF KENNETH E. BERGER, LLC

APRIL 2016 NEWSLETTER

SAFETY FIRST JUSTICE ALWAYS



FEATURES:

- 2 Empowering Our State’s Youth
- 2 For Referring Attorneys
- 2 The Best Among Us: Fred Toler
- 3 Firm Snapshot: Shuck-A-Rama Oyster Roast
- 3 Brain Injuries in South Carolina and The Need For Medical Evidence
- 4 Peer Review by Jay Babb, Esq.

“Want a Great Answer? Ask a Great Question.”

BY KENNETH BERGER

I was in Atlanta a few weeks ago for a workshop on depositions. We spent the better part of two days studying and practicing how to ask great questions in order to get great responses. The workshop was good, but the best question I heard during my time in Atlanta had nothing to do with the law.

After the first day of the course, I was making my way through the hotel lobby toward the elevators. I then saw a banner for “corporate coaching and team building.” I didn’t think much of it, as there are more snake oil salesman than true coaches in that field. However, as I was waiting for the elevator, I heard someone ask, “What’s the best thing you’ve done today?” The guy asking the

question was one of these corporate coaches, and though I still didn’t have much interest in signing myself or my team up for a course, I thought his question was ingenious. I told him the best thing I’d done that day was gain knowledge from other lawyers, which would in turn allow me to help a lot of people.

When I got home, I started asking friends the same question, and each time received a great response. While the best deposition questions tend to be the ones that make the answer meaningless because no matter what the witness says, you have already won, perhaps the most important question I’ve heard in a long time is the same one I now ask you, “What is the best thing you’ve done today?”

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.

Empowering Our State's Youth

BY ALIVIA TROXELL

Earlier this year, 100s of South Carolina middle-schoolers arrived at Edventure Children's Museum for its daylong, "Be A Boss Youth Summit." The event aimed to empowering young people, while teaching them how to overcome personal hardships.

Judi Gatson of WIS News moderated the event and led workshop sessions with Chef Jeff Hendersen from the show, "Flip My Food," and a handful of local leaders. Among the panelists, our very own, Kenny Berger, shared stories about adversity he faced growing up and the steps he took to rise above those challenges.

The kids asked Kenny and the other panelists lots of questions not only about what they do, but why they do it. Again and again, the panelists discussed the need for passion and self-honesty when pursuing your career. The importance of dreaming big dreams, then chasing them until they became your reality was also emphasized. Unsurprisingly, the panelists probably learned as much, if not more, from the children than the kids learned from them.

The other panel members, included: Dr. Myriam Torres of the Arnold School of Public Health; Kevin Rasberry, Executive Director of Garden City Preparatory Academy for Boys; Tia Brewer-Footman, State Commissioner for Minority Affairs; Elisabeth Hovacs, Workforce Development Manager of SC Department of Commerce; and Effy Francis, EQUIP Leader of ABLE SC.

Thank you to all of the attendees, co-panelists, and everyone at Edventure, for letting us be part of the "Be A Boss Youth Summit."

FOR REFERRING ATTORNEYS

If you are one of our many referring attorneys, we want to thank you for allowing us to serve. Your trust means a great deal.

We seek to strengthen your relationship with the client by providing him/her with a great experience, as well as a great result. Additionally, we always make it a point to emphasize that you are truly the person to thank, as it was your good judgment that allowed us to take part in their representation.

If questions arise in the coming month concerning a life-changing injury or wrongful death case, we are here to help. From simply answering your questions to being associated on or referred the case, please let us know what we can do to benefit you and the client. Likewise, if you have a potential client call us directly, be sure to have him/her say who made the referral so we know who to thank.

To discuss anything from litigation tactics to our core values, call us at (803) 790-2800 or email kberger@berger-lawsc.com.



THE BEST AMONG US: FRED TOLER

Over the years, our firm has relied on Blue Oak Networks for our IT needs. Blue Oak's CEO, Fred Toler (pictured left), began his IT career as the "go figure it out" guy.

"I would get sent to a company that was having an unusual issue or problem," Fred explained. "My manager used to say, 'Send Fred and tell him to go figure it out and get it running.'"

After gaining experience and insight with the manufacturing industry, Fred created Blue Oak Networks in 2013. He wanted Blue Oak to be different than any other IT company in its market – where success is measured by whether or not it has helped people do their job better.

"When I look back over the span of my relationships [with employees, customers and partners], I want to know that I played a part in helping them achieve their goals," Fred explained. To learn more about Blue Oak Networks or how it can best serve you, call (803) 724-5500 or email solutions@blueoakit.com.

FIRM SNAPSHOT: SHUCK-A-RAMA OYSTER ROAST

On February 7, 2016, there was no shortage of food or great times at the Brain Injury Association of SC's fifth annual Shuck-A-Rama. Despite the rain, more than 200 people from across the state traveled to the Brick House Kitchen in James Island to show their support. Attendees gathered at oyster shucking tables, under tents and around fireplaces to eat, drink and share laughs. Throughout the day, three local bands, Graham Whorley, Rescue Blues, and Sunflowers and Sin, graced the audience with live performances.

All proceeds from the oyster roast went to sustaining the BIASC's education, awareness, research and prevention of brain injury across South Carolina. Additionally, the BIASC hosted a toiletry drive to help families whose lives are displaced when a loved one faces long term hospitalization. There is still time to contribute to the drive. For drop off details, call **(803) 731-9823** today.



Brain Injuries in South Carolina and The Need For Medical Evidence

BY KENNETH BERGER

When someone in South Carolina suffers a brain injury – be it from a fall, car crash, or object striking them in the head – they are often told it is only a concussion, and that their symptoms should clear up in a couple weeks. In many instances, negative results on a CT scan or basic MRI lead a neurologist to discharge the patient, even though “subjective complaints” persist.

What are “subjective complaints?” They are the list of problems someone with a head injury is complaining of despite the “normal” test results. For instance, you may have headaches, or trouble concentrating, remembering events surrounding the accident, or keeping your balance in the dark. You tell the doctor about these issues, but he responds that you are simply experiencing post-concussive syndrome and should be fine in no less than a couple months.

When you return to his/her office a few months later with many of the same issues, the doctor focuses on the areas of improvement rather than your symptoms. Additionally, he/she reminds you that your CT, MRI, and maybe even EEG all came back normal, and that you should focus on getting well rather than worrying over problems that should have already resolved. Some doctors might even note

that your issues are unexplainable.

When doctors dismiss TBI patients' complaints without further investigating the cause of the problems, they are doing patients and families a disservice. Negative MRIs and CT scans do not prove the absence of a brain injury. When patients remain symptomatic, there are stronger, better, and more advanced tests that can be performed. For instance, there is more than one type of MRI. There are in fact tests that reveal whether a patient has sustained damage to the axons (i.e. the brain's power lines). These advanced images can provide “objective medical evidence” of a TBI, which in turn lets patients know why they are experiencing problems. Likewise, objective medical evidence goes a long way toward helping family members understand the reasons their loved one has struggled since the accident.

No one wants to suffer head trauma in an accident; nor do they want to be told “everything looks fine” when they know they are anything but fine. Brain injuries do not have to be the medical equivalent to the dark side of the moon in South Carolina. As doctors become more willing to treat TBIs with the respect and attention they demand, I believe we will see better testing, better treatment, and better results.

LAW OFFICE OF KENNETH E. BERGER, LLC
5205 FOREST DRIVE, SUITE 2
COLUMBIA, SC 29206

APRIL 2016 NEWSLETTER

PEER REVIEW:

5.0 ★★★★★

via Google

BY JAY BABB, ESQ.
COLUMBIA, SC

“I have had the privilege of referring several clients to the Law Office of Kenneth E. Berger, LLC for personal injury and workers’ compensation issues and always received positive feedback. *Kenny has always carried himself as honest, trustworthy and truly caring about his clients and their issues.*”

NOTE: THIS PUBLICATION IS INTENDED TO EDUCATE THE GENERAL PUBLIC ABOUT PERSONAL INJURY, CIVIL LITIGATION AND WORKERS’ COMPENSATION ISSUES. THE INFORMATION CONTAINED IN THIS PUBLICATION IS NOT LEGAL ADVICE. EVERY CASE IS DIFFERENT. THE INFORMATION IN THIS NEWSLETTER MAY BE FREELY COPIED AND REDISTRIBUTED AS LONG AS THE NEWSLETTER IS COPIED IN ITS ENTIRETY.



CONTACT US AT

OFFICE: (803) 790-2800

FAX: (803) 790-2870

GET CONNECTED AT

BERGERLAWSC.COM

[FACEBOOK.COM/BERGERLAWSC](https://www.facebook.com/BergerLawSC)

[TWITTER BERGERLAWSC](https://twitter.com/BergerLawSC)