

THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,
Justice Always
NOVEMBER 2019 NEWSLETTER

"Giving Thanks Through Action"

When I was a teenager, I heard "gratitude is an action." I believed it then, and now a couple years from 40, I believe it all the more. It's of course important to say "thank you," be it to G*d or another person, but the real joy comes in showing appreciation.

Sometimes the challenge is in recognizing the blessing. The world is busy these days, and with so many potential distractions and stimuli, if I don't take time in the morning and at other points in the day to consciously breathe, bring life back into the moment, and focus on the blessings, I can overlook them altogether. I never want my life to feel like a game of pinball or whack-a-mole. That isn't living; it's surviving.

When I allow myself to focus, not only does my productivity increase, so too does my peace of mind, and with it my sense of gratitude. The choice I'm then left with is to simply enjoy that good feeling until it fades, or to act on it. At work, that usually means digging in and working a little harder for my clients. At home, it often means going above and beyond a "honey do" list with love, not score-keeping. In life, it's a matter of seeking to know and fulfill a purpose rather than chasing fleeting desires.

The irony, as we all know, and as the Christmas saying goes, is that "it feels better to give than to receive." I can't explain why, only that it is true, and for that I am grateful.



A handwritten signature in blue ink. The signature is stylized, starting with a large 'K' and ending with a long, sweeping horizontal line.

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.

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@bergerlawsc.com.

Best Among Us



Kelsey Sawyer Carter,
Camp Cole

Kelsey Sawyer Carter is the co-founder and executive director of Camp Cole, a state-of-the-art facility coming to the Midlands that will allow children and adults facing serious illnesses and mental and physical challenges to enjoy one of childhood's greatest pleasures - camp. Camp Cole was inspired by Kelsey's younger brother, Cole, who lost his battle to Rhabdomyosarcoma, a rare form of cancer, at the young age of 11.

While other programs enable children with medical challenges to attend camp, the facilities are typically created with able-bodied children in mind. At Camp Cole, everything will be designed to cater to the medical needs of the camp's attendees. The impressive campus will include an onsite medical facility, cabins to accommodate nearly 200 overnight guests, a dining hall, a gymnasium, an amphitheater, an Art Shack, a pool, and more, to provide fun options for attendees - no matter what health challenges they face. According to Kelsey, they wanted to create a space that would provide opportunities for able-bodied people and those facing health and physical challenges to join hands and go through experiences together.

Camp Cole is in the midst of a capital campaign, and they are planning to break ground in April 2020. Visit CampCole.org to donate and learn more about their incredible mission.

Firm Snapshot

Meet Sara Tyer and Emily Cartwright

We're excited to introduce you to the two newest paralegals on our team - Sara Tyer (left) and Emily Cartwright (right).

Sara Tyer was born and raised here in Columbia, and she has been a paralegal for 18 years. Before joining our team, she traveled the country working on multi-week trials. Sara and her husband Kevin have two children, Owen and Sadie, and two dogs, Addie and Flossy.

Emily Cartwright is originally from Chapin and moved to Columbia to attend USC and study criminal justice. She has been a paralegal for nearly 4 years. In her free time, Emily enjoys traveling with her fiancé, Ben, and spending time with her two dogs, Bentley and Tanner.



Case Results

Paying the Price

Losing cases is the price lawyers sometimes pay in seeking justice. When you are willing to take on and try cases, you know that in so doing, you are taking on the risk of defeat in battle. That is an acceptable risk in the larger war for community safety and the sanctity of a human being's life and health. I never want anyone to feel bad for us after a defeat. The price we pay is small compared to what is taken from a client.

On Halloween, a jury returned a verdict against one of our clients. The jurors may have been confused by legal terms – which means I should have done a better job explaining them. Or they may have thought we needed more medical evidence or that people should not receive money for pain and suffering, despite the law's instruction. You never know what 12 strangers will decide when it comes to another's fate, but I do know my wonderful client deserved something more than her day in court.

She paid a high price for another person's negligence in terms of her injuries. She then paid again in the form of sitting through trial, having her life dissected, and having jurors conclude her injuries were not caused by a crash – despite the actual evidence.

Even though this wonderful woman owes no legal fees (it was a contingency fee), nor costs, and while I know we did everything in our power to achieve a fair, full verdict, when I woke up on November 1, I could not help but think of how our client felt when she woke up. She paid the real price. It will not be in vain, however. For the wisdom and motivation I gained from this result will lead to many victories on behalf of many others. Though this client may never meet those people, they will have her to thank, in part, when the verdict in their own cases is read and echoes loudly back to her.

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Client Review

5.0 ★★★★★

via Google

Jessie B., Car Accident Client from Lexington, SC

“I was involved in a car accident in April 2018. I was hurt and just lost as to what to do. These guys helped and guided me through the whole process. They were caring and compassionate about what I was going through. You DO feel like ‘family’ after you meet them! A huge THANK YOU for all your hard work and for helping me get my life back on track! You did a tremendous job! I highly recommend them to anyone!”

