

# Safety First, Justice Always

LAW OFFICES OF KENNETH BERGER FEBRUARY 2026 NEWSLETTER

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## “The Foundation of Preparedness”

As a young man, General Douglas MacArthur realized, “Preparedness is the key to success and victory.” Famed UCLA basketball coach John Wooden stated the converse when he said, “Failure to prepare is preparing to fail.”

For me, General MacArthur and Coach Wooden’s words ring true. In fact, that has been my experience not only as a lawyer, but much earlier, when I was a student and a (pretty good) ballplayer. Preparation is a form of respect for yourself, your craft, the people who rely on you, and the consequences of getting it wrong. When someone chooses procrastination, distraction, or outright laziness over the work it takes to be ready, it is a statement of priority. They are telling themselves and the people they serve that the shared objective just isn’t that important. I, of course, find that approach unacceptable.

I teach our team that preparedness requires a sense of urgency and a refusal to cut corners. Being prepared means you’re always seeking to learn, evaluate, improve, and reach higher. To be truly prepared means always seeking greatness, thus outthinking and outworking your competition and therefore achieving victory in almost any setting. Effort benefits from high expectations, and outcomes are borne of work done long in advance.

January 3, 2026, marked my firm’s 15-year anniversary. At this point, preparedness isn’t just a word, it’s part of our foundation. It is this foundation that we stand upon as we pursue greater impact, wider reach, and more lasting effect upon society.



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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.

## Take the Weight Off Your Shoulders

### Attorney Paul Coyle

A few weeks ago, my father came up to attend Mass with me, a recent tradition for us. We were sitting together in the pew, listening to the homily, when the priest said something that really struck me. "No matter what type of weight piles up on your shoulders, you can give that up to G\*d; He can handle that weight for you."

While having breakfast afterward, we began to discuss what the words we heard that day meant to us. Hearing the priest discuss this concept of "taking the weight on your shoulders" really allowed me to take a moment and appreciate this career and the opportunities for service that it provides.

I have found that one of the most rewarding parts of being a personal injury attorney is being able to "take some of this weight off the shoulders" of my clients from the first moment they walk into our office until well after their case has been finalized. We meet people during some of the most stressful

times of their lives, times they have likely never had to deal with before. Catastrophic, life-altering injuries. Medical bills piling up. Not being able to work and provide for their families. This is weight they have never had to hold before, and it is frightening.

This career gives us the tools and the chance to hold this weight for someone when it becomes too much. To serve those who are given this weight that may seem unfair. And when it starts to become too much for me, I can give it up to G\*d.



## Best Practices Podcast

Season six of Best Practices with Kenny Berger is here. This season continues our deep dives with trial lawyers from across the country, exploring case strategy, preparation, storytelling, and the decisions that shape real courtroom outcomes.

New episodes are released every other week and are available on Apple Podcasts, Spotify, YouTube, and our website.



### Latest Podcast Episodes

- Show, Don't Tell: Demonstratives, Memory, and Modern Trial Advocacy | Geordan Logan
- Using Big Data to Drive Big Verdicts | Al Foeckler

## The Practice of Law

### Trial Readiness

Ironically, the best way to get a case settled is to prepare it for trial. But what does preparing a case for trial look like? What is trial readiness?

It's not posturing or insulting your adversary. It's not complaining about insurance companies or your client. It's work, and it starts from the first time you speak with a client.

Trial readiness is a product of trial preparation, which itself emanates from one's mindset. Put simply: is the case being prepared for settlement, or is it being prepared for trial? When settlement becomes the primary objective, corners are often cut, lawyers think more about their third than the client's well-being, and trial becomes a dreaded last resort. Conversely, when trial is Option A, cases are prepared with an eye toward jury persuasion, admissible evidence, and powerful witness testimony. The focus is on the client's story rather than the lawyer's lifestyle.

Thus, from the first meeting through closing argument, preparing a case for trial means absolute dedication to another human being's interests. It means listening, not to figure out what you'll say next, but to empathize and put yourself in the shoes of the speaker. It means working, not simply to make a living, but to give another person back their life. It means fighting, not for the sake of defeating an adversary, but for the cause of civil justice and the values that form its core.

Trial readiness is the outcome of one's listening, work, and fight. It's often tedious and lonely. It comes at the expense of other interests. It can be exhausting. However, the fulfillment that comes from a job well done is worth the sacrifice for those who make it.

This principle is true not only for lawyers and trials, but for all people seeking any form of victory or success.

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- 1 The Foundation of Preparedness
- 2 15 Years
- 3 Trial Readiness

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FEBRUARY 2026 NEWSLETTER

PAGE 04

## 15 Years of Meaningful Work



We opened our Myrtle Beach office in March of 2020.



Attorney Kenny Berger opened the Law Office of Kenneth E. Berger on Forest Drive on January 3, 2011.



Attorney Kenny Berger and his wife, Grace, pledged \$250,000 to the USC Joseph F. Rice School of Law to create the Kenneth & Grace Berger Endowed Scholarship.



We started our Giving (Every) Tuesday initiative during COVID to help support local organizations.

### OUTH CAROLINA LEADERSHIP IN LAW 2022



Attorney Kenny Berger was named a Leadership in Law nominee for the second time.

On January 3, we celebrated our firm's 15th anniversary. What began as a vision to build a firm grounded in professionalism, service, and respect has grown into a team deeply committed to the people and community we serve. We are grateful for the trust our clients place in us, for colleagues and friends who have supported us along the way, and for a team that shows up every day with care and dedication.