

# THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,  
Justice Always  
FEBRUARY 2022 NEWSLETTER

## “The Fifth Beatle”

I recently finished The Beatles documentary, “Get Back.” In it, you see four friends who share brotherly love and near lifelong connections. You also see suppressed anger, building resentment, and diverging paths. John, Paul, George, and Ringo remained capable of collective genius, yet the walls they built around themselves seemed to prevent the selflessness necessary for true collaboration.

Following a near breakup and change of studios, these young men regrouped to finish rehearsing and recording. Even upon the temporary realization that they may be better together than apart, something was still missing. The old roles, tendencies, and fissures remained. Energy eroded as pressure built.

Then along came virtuoso keyboardist, Billy Preston. Be it coincidence, providence, or fate, the studio drop-in from a former acquaintance recharged the band and in so doing, rewrote music history. You can feel the difference with Billy’s presence. His playing not only elevates the songs, it elevates the players. Instead of a breakup, we get famed albums “Abbey Road” and “Let It Be,” not to mention a live performance on a London rooftop.

My words are not meant as a documentary recap, but as a reminder of the power that comes from outside ideas, styles, and techniques. It’s easy to lose ourselves in the same circle of influences and actions, each circle getting tighter and somehow shallower. Even the world’s most famous and arguably talented band found itself imploding within the four pressurized walls each of them represented. I love collaborating with friends. I also love that they are the kind of people constantly seeking out new perspectives and approaches. What they bring is not themselves alone; rather they offer a wealth of study and observation. I try to offer the same. Should we find ourselves in times of trouble, it is often an outside voice that helps us see beyond our own limitations and rediscover the inspiration needed to continue on our path.



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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.

To discuss anything from litigation tactics to our core values, call us at (803) 790-2800 or email [kberger@bergerlawsc.com](mailto:kberger@bergerlawsc.com).

## Inspiration from Fripp Island

Attorney Joel Hughes

The year my son Cohen was born, my wife and I vacationed with our 2-month-old in Fripp Island for the first time. Since that summer, we routinely go back to Fripp at least once a year, with our dogs, other friends, and families. Vast amounts of wildlife, remote and natural conditions, and golf cart rides are often the highlights of Fripp for many people, but for me, it is the large beaches with plenty of space to run, bike, and play sports with my family.

On January 1, 2022, I sat on the beach with my family and dug my toes in the sand. I closed my eyes and listened to the waves, and I watched my children boogie board in the chilly water. I felt at peace with where I was, but I also felt true inspiration. Energized by my time with my family, I began to think of the many clients I have that could use that extra effort from me this year to push their case toward resolution, by trial or by settlement.

I pondered how we can sit in the tidal pools and have just enough water to splash, just enough mud to build a drip castle, just enough minnows to chase with our



small nets. Or, we can go out in the ocean, feel the adrenaline of catching the big waves, search for starfish and sand dollars, and cast our rods past the break for sharks and tarpon.

In 2022, I plan to take the inspiration I found at Fripp Island and instill it into my work and family life. If I see you at the office, in court, or on the beach this summer, I hope you are also inspired to be your best self in 2022 and beyond.

## Firm Snapshot

### 11 Years of Serving South Carolina

January 3, 2022, marked our 11th year as a law firm here in South Carolina. What started as a one-room office with a single employee has grown into a firm with two office locations and a team of 11, all dedicated to uncovering the human story behind our clients' cases and working to help them seek life-changing results for life-changing injuries.

As we enter this new year of service, we are challenging ourselves to become an even stronger legal team, increase our charitable giving, and most importantly remain steadfast advocates for our clients.



## The Practice of Law

### Medical Bills: They're Nothing Special

Ask most personal injury lawyers – plaintiff or defense – about a case and you are almost certain to hear about medical bills. Like Pavlov's dog, we have been trained to mention "medical specials" when discussing the value of a case. I presume the insurance industry originally served as Pavlov, though at this point it is the bar itself. While I recognize that in certain instances, medical bills play a role, I believe they are often the least significant or meaningful form of damages.

Non-lawyers understand this point intuitively. For instance, if your next-door neighbor got in a wreck, the non-lawyers' first, second, third, or even fourteenth question is not, "What are the medical specials?" In fact, there is nothing special about bills. What is special is the human being. We care if they are hurt, what they will have to go through, how long they will be less than 100%, and how it will impact their life. Any concern we

have regarding medical bills is in relation to whether the person can pay them and how much stress will be brought on by the additional financial burden.

The notion that we ought to measure the harm to a human being primarily in relation to their medical expenses is artificial at best. It is a fraud that was perpetrated upon the legal system and is now perpetuated by lawyers themselves. Like so many other behaviors, we are not responsible for it until we are aware of it. I hope this is the first, next, or final step toward full awareness so that we may all, no matter the side of the aisle, begin viewing human beings and their damages through the full prism of non-economic and economic harm alike, with emphasis and value placed on those assets that were most damaged.

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Season two of Best Practices with Kenny Berger, is now live! We have already recorded several fascinating episodes and have many more to come throughout the year. Be sure to subscribe so you don't miss these incredible conversations with trial lawyers from across the country.

You can find both seasons on Apple Podcasts, Google Podcasts, Spotify, or on our website, with new episodes coming out every other week.



**BEST PRACTICES**  
WITH KENNY BERGER

## Latest Podcast Episodes

- Thinking to Win | Mullins McLeod & Cooper Wilson
- The Redemptive Arc: A Hero's Journey | Brian Ward

## Upcoming Guests

- Jon Marko, Marko Law
- Chris Hamilton, Hamilton Wingo
- Karen Zahka, Trial Lawyers For Justice
- Joseph Wilson, Joseph Wilson Injury Lawyers