

THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,
Justice Always
JANUARY 2023 NEWSLETTER

“The Multiplier Effect”

I first heard this term in high school when an anti-drug speaker was discussing the effect of Alcohol x Other Drugs. I quit drinking at age 19, but still hear the term in some of our drunk driving cases where the reckless driver was also getting high. I mention the term here not in relation to intoxication, but rather impact and efficiency.

Over the holiday break and into the new year, I’ve been giving a lot of thought to how we can make the biggest difference in the highest number of lives. Rabbi Menachem Mendel Schneerson (the “Rebbe”) is the best I’ve seen in modern history at multiplying a single effort to reach countless people. Be it the simplicity of sharing a dollar that gets passed on or lighting a candle so that others do the same, the Rebbe identified simple actions that could be repeated and spread across the globe in a way that shapes history and humanity for the better.

I have no grand design on global impact, but am interested in getting others to join our Giving (Every) Tuesday initiative. I also want to continue learning and sharing lessons with other lawyers by way of podcasts, seminars, and webinars. Additionally, we are adding a series of non-lawyer webinars to share what we have learned on everything from purchasing insurance to finding the right doctor.

The more we give others, the more they can in turn share, so that 1 becomes 2 becomes 4 becomes 8...Over the coming year, how can you multiply your impact? How can you perpetuate the greatest good for the greatest number? What simple, repeatable actions and lessons can you pass on to be passed on? The multiplier effect is real, it’s powerful, and it begins (or grows) with you.



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.

Justice

Attorney Joel Hughes

At the end of my son's baseball practices, we play a game called Knockout. The rules are simple: if you throw a strike, you remain in the game; if you don't, you are subject to being knocked out by the next player if they throw a strike. The game continues until the last player remains. My 6-year-old daughter attended a recent practice, and we allowed her to play Knockout with the team. Of course, her strike zone is called a bit more liberally than the older players on the team which resulted in her knocking out several players, including my son. It was a cool moment...or so I thought.



Riding home from practice, I noticed my son was in a foul mood, and when I asked why, it became clear he was upset about the game of Knockout his sister won. But this was not jealousy. He had, in a fundamental way (at least in his mind), experienced

an injustice. The playing field was slanted to give an advantage to another competitor. At 9 years old, he knew what injustice felt like.

As early as childhood, we know how important justice is, as evidenced by the timeless schoolyard arguments over who "cheated" to win dodgeball or tag. Justice is a word we all speak about with reverence, but we never truly know its importance until we experience its counterpart.

Civil litigation often seems like David vs. Goliath, where the odds are stacked against you in the form of costs, time, anxiety, insecurity, and vulnerability. It is our job as counsel for those hurt by the reckless acts of another to pursue justice despite those obstacles. We empower our clients to stand firm in the face of the pressure that litigation inevitably brings to their lives. Partial justice is injustice. The strike zone may seem bigger and more forgiving in the face of a large corporation's endless resources and team of high-powered advocates. But, at the end of the day, it is still our job to throw strikes. Our clients deserve justice, even if we must fight an uphill battle to get it for them.

Firm Snapshot

Another Successful Bike Helmet Giveaway & Holiday Celebration

The Law Office of Kenneth Berger hosted our second free bike helmet giveaway on December 17, 2022, to celebrate the holidays and encourage bike safety in the Columbia community. Our firm was able to provide 65 free bike helmets to children and families in the area. Each helmet came with educational flyers and information sheets to ensure parents are up to date on bicycle safety information.

Those who attended had fun visiting our various stations, including a sticker station for customizing helmets, a hot cocoa bar filled with tasty toppings, a baked goods table overflowing with delicious cookies from our friends at Ally & Eloise Bakeshop, and a meet and greet with Santa Claus. We also gave away two bicycles!

We had a great time, and we are happy that so many members of our community made it out to the event. Follow us on social media to make sure you don't miss our next community event!



The Practice of Law

Could v. Should

We could ask another question, take another deposition, add another expert, and file another motion. But should we? Anytime I catch myself saying “I could...” it begs the better question of whether I should.

As lawyers, we're given wide latitude when it comes to just about everything other than trial evidence, and even there, it's not too strict. The law prohibits frivolous filings, but anyone who has been practicing more than one week has seen a frivolous allegation or defense come across their desk. It's incredibly frustrating, especially when we take a step back and remember our goal is to ascertain truth and justice. Results should be based on law and evidence, not arguments and positions that blur lines, confuse jurors, and inject faux complexity. If you want to know which side should win, it's usually the one with the simplest argument

and strongest facts. So why do so many lawyers take so many outlandish positions? Because they can; because their clients, bosses, or insurance carriers expect them to do anything they can to win. *But should they?*

I am neither an ethics scholar nor moral judge. Everyone ought to be empowered to make their own decisions so long as they are willing to live with the consequences. Sometimes the consequence may be winning a case you should lose. Other times, the consequence may be a big win for the other side because a jury saw through the disingenuous nature of your position. At the end of the day, all of us must distinguish *could v. should* and make decisions aligned with our own values, interests, and ethics. The most powerful aspect of our license is that it gives us a choice.

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LOKB Team Snapshots

SOUTH CAROLINA LEADERSHIP IN LAW 2022



KENNETH BERGER
 Owner, The Law Office of Kenneth E. Berger
 Counselor

His and Myrtle Beach, Berger finds it ironic that he never understood medical conditions to effectively represent clients who have been hurt in various types of accidents. And along the way, he has been able to fulfill his personal mission to protect people and their rights.

"To fulfill, the word 'fulfill' is used to talk about one's destiny," he said. "I believe it was destiny for me to become a lawyer, and to me, that I have a duty to be the absolute best I can be."

Berger has a Bachelor of Arts degree in political science and government from the College of Charleston. He earned his law degree at the University of North Carolina School of Law. He founded the Law Office of Kenneth E. Berger in 2011, at the age of 29.

"It did pass with to debate and crack trial, so I've seemed like my best option," he said.

Berger's firm and tell their story without oversteering who they are and how they feel.

"Even though we can't ask a jury to put themselves in our clients' shoes, it's vital that we 'Golden Rule' ourselves to gain a deeper appreciation of a client's perspective. It is no longer just a legal case but rather someone's life to which it's an investing my time and effort."

Berger considers his practicing lawyer's license as his greatest achievement so far in his career.

"Every Tuesday for the last several years we've made a donation to charity," he said. "Sometimes the donations are small, other times large, and the way other built, the more my practice client, the center it is to give even without

Before the holiday break, we took time to have a little fun and do some team bonding at Dave & Busters!



Attorney Kenneth Berger has been named a 2022 SC Leadership in Law honoree. This award recognizes SC attorneys who have achieved success in their law practice, made contributions to society, and had an impact on the legal profession through their work.



Attorney Joel Hughes' article, "Do Not Fear the Government: A Former Defense Attorney's Guide to Litigating Governmental Torts in Federal Court," was published in the South Carolina Association for Justice's publication, *The Justice Bulletin*.