

THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,
Justice Always

JUNE 2022 NEWSLETTER

“Lessons from Dad”

The Great Recession was at its height, companies weren't hiring, unemployment was through the roof, and I needed a job. My former basketball coach, Neal Lourie, had a successful practice in town, and I'd talked with him a time or two about joining the firm. The problem was that Neal – like everyone else I'd met – wasn't looking to take on another lawyer, let alone one with zero experience. Nonetheless, Neal was kind enough to meet me for breakfast one last time, largely as a courtesy and because he's a great guy.

I knew this was the last chance to present my case on why he should take a chance on me but had no idea what I should say. Enter my dad, Dr. Robert Berger. He grew up with very few comforts, did farm and construction work in the summers, graduated dental school at 18, served in Vietnam immediately thereafter, and by the time he was 25, had a couple kids and a fast-growing practice. In other words, he's smart and incredibly hardworking.

Before that breakfast meeting with Neal, my dad said, “Look, you need to tell him three things: 1) You'll make him money; 2) You'll make his life easier; and 3) You'll uphold his reputation.” That's exactly what I told my former coach, and a few minutes later I had a job. It's now the advice I give folks looking for work, and it's also part of the criteria I use when deciding whether to hire someone for our firm.

The lessons I've received from my dad, especially when it comes to work, are countless. In the remaining space I'll share a few more that continue to help me and hopefully benefit others. Some personal favorites: “Do everything you can to eliminate the possibility of failure”; “You gotta have a sense of urgency. When it comes to business, NOW is good”; “Work isn't about how long it took, it's about whether it got done”; “The people depending on you can't afford for you to be distracted. You're a professional. You gotta focus every single day.”

I left out a few others that included more four-letter words. Far more importantly, what I've come to realize is even though I never took a class on business, finance, or management, growing up with Dr. Robert Berger has given me lifelong lessons on what it means to be a professional.



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.

How Motherhood Makes Me a Better Lawyer

Attorney Liz Dalzell

This past Mother's Day I reflected on how much I love being a mother to my two boys and how it has influenced me as an attorney. With Will being 20 years old and Ryan being 17 years old, they are almost "cooked" and, just like them, I am a completely different person than I was when they were born. To say that my perspective has shifted is an understatement, and to say that it was easy being a lawyer and a mom at the same time would be a lie.

In the early years, I was always stretched for time and my few hours with the boys were spent trying to "get our energy out," ensuring they slept and ate well, and finding



new things for them to learn. As they've grown older, I find that I have a lot more time to myself and that my mothering happens in vastly different ways. Now we discuss their big decisions. I try to impart life lessons; I give advice; and we talk about girlfriends and the highs and lows of sports.

I continue to nurture, but overall, mothering is far less physically demanding. Going through all the phases of mothering and landing where we are now has been an amazing and rewarding journey. What I have gained from being a mother has also made me a much better lawyer. As I think about each of the amazing mother-lawyers I know, the following is clear to me:

She knows how to hustle and makes things happen.

She can distinguish the urgent from the important.

She is flexible.

She is a problem-solver.

She listens.

She has great negotiation skills.

She is mentally strong and adaptable.

She moves ahead despite adversity.

She is empathetic.

These are all of the qualities that a good lawyer and mother should have, and I am grateful that my children have helped me develop them through our years together.

Firm Snapshot

Kenneth Berger Recognized as a Super Lawyer

We are proud to announce that attorney Kenneth Berger has been named a 2022 Super Lawyer, a distinction awarded to outstanding attorneys who have attained a high-degree of peer recognition and professional achievement. This is the third consecutive year he has received this honor. Previously, he was recognized as a Super Lawyers Rising Star for 7 years from 2013 to 2019.



The Super Lawyers list is intended to serve as a credible, comprehensive and diverse catalog of exceptional attorneys. The selection process involves peer nominations, independent research, and peer evaluations. The Super Lawyer distinction is awarded to only 5% of attorneys in South Carolina.

Super Lawyers®
2022

The Practice of Law

The How & Why of a Human Being's Damages

Lay witnesses explain how a person is different since the incident. Medical witnesses explain why a person is different since the incident.

This is a shorthand version of how I think of damages, and a good reminder – at least for me – of how strongly the medical and everyday-life evidence in a case needs to tie together.

Whether it be a joint, back, brain, or psychological injury, the audience needs to understand not only what a person has been going through as a result of the harm, but also the underlying reasons for it. Sometimes that audience is an insurance adjuster, other times a jury, and at times a judge. They're all human beings, and almost to a person, consider themselves rational. They want to see the evidence; they need to be convinced. I don't always do a great job of that, but I certainly try to draw direct lines between causes and effects.

In most of our cases, someone's life has been dramatically altered due to a crash or other incident. For us, the first step is to invoke the Golden Rule. You can't do it in court, but there's nothing stopping us from putting ourselves in our

client's shoes as we're learning about their life both before and since the incident. As we get to know our client's life story, from them and the lay witnesses, the magnitude of the harm inflicted upon this human being comes into focus.

Damages without clear cause are not enough, however. At this point we can correlate the differences in our client's life with the incident, but we have yet to prove what caused it. A medical professional, and sometimes non-medical experts, still need to teach our audience why our client's life is so different. It's not enough to have a doctor explain the injuries. The doctor needs to explain the consequences of those injuries as well. What happened to the person was an injury. What the injury left the person with was damage. And those physical damages have consequences on how a person moves and functions. Those consequences are what friends, family, co-workers, neighbors, acquaintances, and the client himself, see playing out in everyday life.

Only after a clear connection is made between how and why a person's life has been damaged do we have causation and, with it, the understanding and motivation people need to provide full justice.

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Season two of Best Practices with Kenny Berger is now live! Be sure to subscribe so you don't miss these incredible conversations with trial lawyers from across the country.

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BEST PRACTICES
WITH KENNY BERGER

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