

Law Office of Kenneth E. Berger, LLC

AUGUST 2014 NEWSLETTER

Personal Injury

Auto Accidents

Wrongful Death



Traumatic Brain Injury

Injuries to Children

Workers' Compensation



The Slight Edge

by Kenneth Berger

Earlier this year I read a great book titled "The Slight Edge." The principle is simple: We are always getting slightly ahead or falling slightly behind. So how do we stay ahead of the pack? How do we maintain a slight edge?

The author, Jeff Olson, lays out a number of principles. Here I will address two: consistency and perseverance. Consistency means showing up day after day, often for far longer than most would dream. Perseverance means overcoming obstacles, and pushing ahead no matter the level of difficulty.

NBA veteran and South Carolina native, Ray Allen, showed up hours before every game to work on his jump shot. There are plenty of players who arrived early for one game or even one season. What separated Allen is that he did it every game, every year, for nearly two decades. No matter how he felt or what challenges he confronted, Ray Allen showed up. Think about the numbers for a moment. On average, Allen practiced his shot for 3 hours, 90 times per year, for more than 15 years, culminating in NBA championships.

These examples are all around us. Look at most successful people, and you will see that consistency and perseverance are at the heart of their gains. Each day they achieved a slight edge, and in the end they far outran the competition. The slight edge is available to us all, it is simply a question of whether we choose to get ahead or fall behind.

FEATURES

2 FAIRFIELD COUNTY
BURN VICTIM
RECEIVES JUSTICE IN
THE END

2 ANNOUNCING OUR
NEW PARALEGAL,
BRANDI CLOSE

2 THE BEST AMONG US:
SAFE KIDS MIDLANDS

3 FIRM SNAPSHOT:
SUMMER BBQ

3 BACK TO SCHOOL:
CHILD SAFETY ON
SCHOOL PLAYGROUNDS

4 LOOKING AHEAD



Fairfield County Burn Victim Receives Justice in the End

In the summer of 2010, two young men decided to consume alcohol, then pour gas on a fire outside a home in Fairfield County, SC. "Sarah" had served as a designated driver earlier in the day, and later that evening was sitting away from the fire in a swing. As the two young men tried to pour gasoline into a cup, then onto the fire, they bumped into each other, causing gasoline to spill out of the cup. When that happened, the fire shot back towards them. In a panic, one of the young men threw the cup as far as he could. When he did, flaming gasoline flew out of the cup and struck Sarah. In an instant, a beautiful, innocent young woman became a burn victim.

When the flaming gasoline hit her, Sarah immediately stopped, dropped, and rolled. Another young woman rushed her to Fairfield Memorial Hospital. Sarah was then transferred to multiple burn centers in Augusta, GA. Even after skin grafts, stapling, debridements, surgeries, and prolonged wound care, Sarah's scars remain visible.

Sarah asked the homeowners and fire-starters whether they had any insurance that could help with her medical bills. Everyone told her "No." It was not until the spring of 2013 that she came to our firm as a last ditch effort at justice. Given the extent of her injuries, as well as her high character, we went to work on Sarah's case without hesitation. While we did not know whether we would find any applicable insurance policies to compensate Sarah for her losses, we could not simply turn her away.

After a year of litigation, we finally obtained some degree of justice for Sarah in the form of a homeowner's policy limits. The policy covered the home in which the gasoline thrower was living at the time of the incident, and thus extended to some of the young man's actions outside the home. While no amount of money can undo the harm Sarah sustained, we were able to recover every penny of insurance coverage we could after investigating the matter at length.

We are pleased to announce the addition of our new Paralegal,

Brandi Close



I am a lifelong resident of South Carolina. When I was 19, I had the pleasure of assisting an attorney's office, and knew from that point forward that I would enjoy a career in the legal field. I have worked on many different types of cases over the years since. My passion for guiding injured people toward justice has never faded. It is an honor not only to do something I find personally fulfilling, but to help others navigate through stressful, difficult times. I feel blessed to have joined a firm that shares my belief in putting clients first, and that treats each other and those we serve like family.

I am married to Columbia native, Chris Close, and have 4 wonderful children – Austin, Griffin, Torin and Kellin. Away from the office, I enjoy spending time with my family and giving back to the community. I am also an animal lover, and assist animal rescue groups in finding loving homes for homeless pets.

The Best Among Us: Safe Kids Midlands

Safe Kids Midlands works in partnership to educate thousands of children on safety and preventing unintentional injury. South Carolina is ranked 40th in the nation for unintentional injuries to children (1.5 times higher than the national average). Most injuries can be prevented if parents, educators, government officials and business leaders make our children's safety the number one priority.

The Safe Kids Midlands Coalition is made up of passionate volunteers. Volunteers can give as much or as little time as they would like. The coalition always needs volunteers to help at car seat checks, bike rodeos, health fairs, and to become car seat technicians.

If you are interested in volunteering or supporting Safe Kids Midlands, please email safekidsmidlands@gmail.com or call (803) 434-2955.

Firm Snapshot: Summer BBQ



GREAT TIMES WERE HAD AT OUR SUMMER PARTY AT GREGG PARK!

WE WOULD NOT BE WHERE WE ARE TODAY WITHOUT THE SUPPORT FROM ALL OF YOU.

Back to School: Child Safety on School Playgrounds

It's that time of year again – time to send your children off to school – and with school, comes recess. Children love playgrounds for the possibilities and variety they present. Teachers like playgrounds because it gives their students an opportunity to interact with others. Unfortunately, numerous children are injured every year as a result of playground accidents. Many of these accidents are preventable; others need not produce so great a consequence. I want to do my part to lessen the number of playground injuries, and make South Carolina a safer place for our kids. I therefore provide the following tips, adapted from kidshealth.org, regarding playground safety.

1. Always check the playground surface. Children are going to fall from the monkey bars, tumble out of slides, and push each other off equipment. The playground surface must be forgiving if we are to reduce the chance of injury. Concrete, blacktop, and hardened earth will not provide the cushioning a child needs if he slips, tumbles, or falls. Instead, only visit playgrounds with soft surfaces. The best playgrounds usually have mulch, pine bark, or sand.

2. Inspect the equipment. Rusty swings break, rickety slides collapse, and rotten wood splits. If the playground has broken equipment, let your child's teacher know. The swing should not sound like it's "whining." Nor should the slide rattle.

3. Avoid ropes and certain swings. Ropes often break. They also present strangulation hazards – especially near slides. Some swings are inherently dangerous. For instance, "glider swings" that can hold more than one child at a time often result in at least one child falling off. If you think it could be dangerous, eliminate the risk rather than taking a chance.

Many of my best childhood memories involve recess. I want the same for your kids, and hope these tips serve as reminders that playgrounds at school should be a place of joy – and safety. We wish all of your children a great school year!

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Looking Ahead

Growing up I would ask my dad why he was headed to the office on a Saturday or Sunday morning. He would say, "Son, there's always something to do." Like so many things, it turned out my dad was right. Between trial dates, depositions, client meetings, speaking engagements, seminars, renovations, our intern program, and keeping an eye on Rex, we got a lot going on.

Between now and the end of the year, we look forward to hitting new marks with regard to results, client services, and community giving. Our new website videos emphasize our belief that clients should be treated like family, and that only excellence is acceptable. Check them out, let us know what you think, and remember that when you need us, we are here for you.

THIS PUBLICATION IS INTENDED TO EDUCATE THE GENERAL PUBLIC ABOUT PERSONAL INJURY, CIVIL LITIGATION, AND WORKERS' COMPENSATION ISSUES. THE INFORMATION CONTAINED IN THIS PUBLICATION IS NOT LEGAL ADVICE. EVERY CASE IS DIFFERENT. THE INFORMATION IN THIS NEWSLETTER MAY BE FREELY COPIED AND DISTRIBUTED AS LONG AS THE NEWSLETTER IS COPIED IN ITS ENTIRETY.

Safety First, Justice Always

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