

THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,
Justice Always

MAY 2023 NEWSLETTER

“Here I Am”

No matter someone’s religion or beliefs, each of us is familiar with the concept of “answering the call.” Perhaps the first recorded instance is found in the Bible, when G*d called upon Abraham, and Abraham responded, “Here I am.”

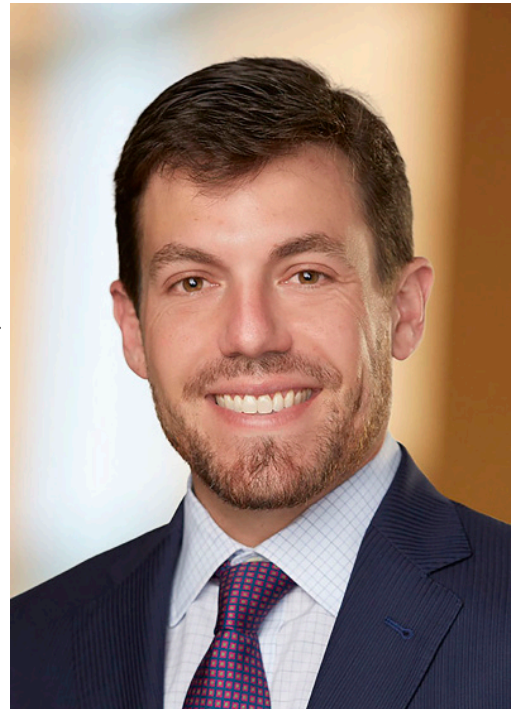
This concept – and obligation – has been on my mind recently, especially in light of several wrongful death cases we’re handling. When a person’s life is taken, so too is their ability to answer and act.

In studying the Holocaust, I realized that the secondary tragedy of the Nazis murdering 6,000,000 Jews and millions of others was the genius, love, and wisdom the world was robbed of by genocide. Our lives would look much different – and better – had these people lived.

So too is the case for the individual passings that result in phone calls to our office, and eventual wrongful death cases. Those families have been robbed of the joy brought by a child’s graduation or a father walking his daughter down the aisle or any number of dreams they shared together. There is a void. We cannot fill it, though we can answer the call, tell their story, and seek full justice on their behalf.

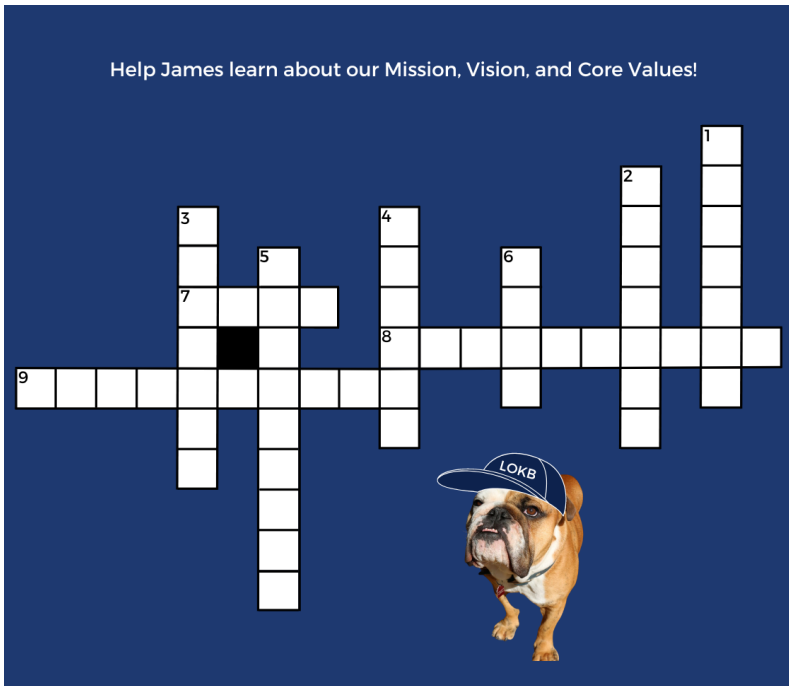
“Here I am,” is not only a declaration. It is a covenant; a solemn promise to do everything in one’s power to speak, act, and contribute where others cannot. When a life has been taken, it becomes the responsibility of the living to do more. As a lawyer, that means working harder, digging deeper, and pushing further to obtain full justice. It also means giving people the love, empathy, and respect they want above all else as they learn to live with loss.

No matter our profession or circumstance, so long as we remain among the living, each of us has the opportunity to contribute, to answer the call, and to say, “Here I am.”



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.

Games with James



Down

1. Our mission is to obtain full _____ in life-changing injury and wrongful death cases.
2. Providing clients with extraordinary personal service and _____.
3. Upholding the rights and _____ of those who have been harmed.
4. Improving the lives and _____ of those in our community.
5. We recognize the extraordinary and immeasurable impact we can achieve in our _____ - the children we can protect, the families we can serve and the lives we can save.
6. Ensuring that the people who _____ us, find us.

Across

7. The Law Office of Kenneth E. Berger, LLC seeks to be a force of _____.
8. Unwavering commitment to professional _____.
9. This is possible only through our individual and collective _____ to justice.

Giving (Every) Tuesday - No More Victims

We were proud to be the 2023 Presenting Sponsor of MADD South Carolina's 10th Annual Walk Like MADD Columbia event. Walk Like MADD is MADD's signature fundraising event to help raise awareness and funds to eliminate drunk and drugged driving.

We heard from several families whose lives have been forever changed by drunk drivers. Their stories reminded us of the importance of holding those responsible for these crashes accountable to prevent more victims in the future. It is an honor to support an organization that is making our state safer.



Firm Snapshot

Core Values Retreat

On Friday, May 5, our team spent the day at Lake Murray focusing on our Mission, Vision, and Core Values and how they guide the culture at our firm.

It was a special experience bonding with our team and discussing how each of us puts our values to action every day for our clients. As college basketball coach John Wooden said, “The true test of a man’s character is what he does when no one is watching.” Our retreat showed us that every member of our team is compassionate, kind, and all-in for our clients.

We are grateful to have a dedicated team that so deeply



believes in our mission and goes above and beyond to make sure our clients are taken care of throughout their case.

The Practice of Law

Vision, Mission, and Core Values

This section usually contains ideas regarding best practices for lawyers. For me, all of these ideas emanate and relate back to our firm’s vision, mission, and core values, so I wanted to share them with you. I hope they resonate with you as they have with us.

VISION STATEMENT

The Law Office of Kenneth E. Berger, LLC seeks to be a force of good. We recognize the extraordinary and immeasurable impact we can achieve in our community – the children we can protect, the families we can serve and the lives we can save. This is possible only through our individual and collective commitment to justice.

MISSION STATEMENT

Our mission is to obtain full justice in life-changing injury and wrongful death cases.

CORE VALUES: THE “WHY” BEHIND OUR MISSION

What we do as a firm matters. Why we chose this path, this mission, and this area of law is equally important. Our mission can only be understood if the core values behind it are

known, discussed, and internalized. We must consistently put our values (i.e. what is most important to us) first in order to achieve the heights we seek. Thus, the Law Office of Kenneth E. Berger, LLC – at its core – values:

- Upholding the rights and dignity of those who have been harmed
- Unwavering commitment to professional excellence
- Providing clients with extraordinary personal service and respect
- Ensuring that the people who need us, find us
- Improving the lives and safety of those in our community

These values guide and define our work. What we care about as a firm is the “why” behind everything we do and strive to accomplish. We are often the last line of defense between justice and injustice, safety and danger. Without our values – without a clear appreciation of the “why” – we are nothing more than a law firm. With them, we are that force of immeasurable good in which I believe so deeply, and which gives our efforts purpose.

LAW OFFICE OF KENNETH E. BERGER, LLC
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1 Here I Am

2 No More Victims

3 Mission, Vision, and Core Values

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LOKB Team Snapshots



Congratulations attorney Kenny Berger on being named a South Carolina Super Lawyer for the 4th year in a row! Kenny was also named a Rising Star from 2013 to 2019.

Veteran settles for \$1M after missed diagnosis

■ Heath Hamacher

A Navy veteran who suffered a permanent paralysis of his legs after being misdiagnosed at a veterans' hospital has settled his medical malpractice claims for \$1 million, his attorneys report.



Brad Lanford



Janek Kazmierski

When Duane Keezer visited the Ralph H. Johnson Veterans Administration Medical Center (VAMC) in Charleston on March 2, 2017, he was told that the radiating lower back and groin pain he felt could be remedied with pain medication and muscle relaxers. As such, he was given a prescription and discharge papers. But just 10 days later, back in the

news said, and diagnosed him with a potentially life-threatening spinal epidural abscess. The diagnosis led to Keezer being transferred back to VAMC for imaging studies to confirm the diagnosis and, if required, treatment.

Keezer was represented by Brad Lanford and Janek Kazmierski of the Law Offices of Kenneth E. Berger in Columbia and Thomas Valet of Rappaport, Glass, Levine, & Zullo in Islandia, New York.

"Despite the indications of an infection and a diagnosis of spinal epidural abscess, no treatment was initiated for many hours," Keezer's attorneys wrote in a statement to Lawyers Weekly. "During this delay in treatment, (Keezer's) condition worsened."

The attorneys said that their client suffered from night sweats, chills, and numbness and weakening of his legs. "Ultimately, due to the significant

Keezer's attorneys noted that the case was settled after mediation originally ended in an impasse.

The defendant was represented by Assistant U.S. Attorney Christie Newman of Columbia. Newman did not immediately return a message requesting comment.

SETTLEMENT REPORT – MEDICAL MALPRACTICE

Amount: \$1 million
Injuries alleged: Nerve damage and partial paralysis

Case name: Duane Keezer and Sharon Keezer vs. The United States of America

Court: U.S. District Court for the District of South Carolina

Case No.: 2:21-cv-01985

Judge: David Norton

Date of settlement: Nov. 15, 2022
Most helpful experts: Dr. Robert Powers (hospitalist) of Charlottesville, Virginia

Attorneys for plaintiff: Brad Lanford and Janek Kazmierski of the Law Offices of Kenneth E. Berger

Attorneys Brad Lanford, Janek Kazmierski, and Thomas Valet of Rappaport, Glass, Levine, & Zullo had the honor of helping a Navy veteran secure a \$1 million settlement after he was given inadequate treatment for a medical emergency that resulted in permanent paralysis.

Disclaimer: Results are specific to the facts and legal circumstances of each client's case and should not be used to form an expectation that the same results could be obtained for another client in similar matters.



March marked 2 years with our wonderful receptionist, Hermina! She does an amazing job greeting our clients and making everyone feel at home in our office. We are so glad she is on our team.