

# THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,  
Justice Always  
NOVEMBER 2021 NEWSLETTER

## "Gratitude"

99% of my days, if not more, are pretty similar. They have good, bad, sad, funny, frustrating, and relaxing moments. There is fear, faith, anxiety, peace of mind, and all other mixtures of thoughts and emotions. I deal with difficult people, and sometimes I am the difficult person.

Despite all imperfections and humanness, I'm at my best when I choose to see things in a positive light, when I choose gratitude over self-pity and entitlement. Gratitude itself is an amazing gift. It allows me to view hardships as blessings, challenges as opportunities, and life as a wonderful adventure. Gratitude provides me with perspective at work and serves as an antidote to feelings of righteous indignation. Instead of getting mad at my legal adversaries, I can look at the strategic advantages they are creating through frivolous denials and delays. Likewise, rather than beating myself up for a misstep or act of ignorance, I can be thankful for the wisdom acquired through error.

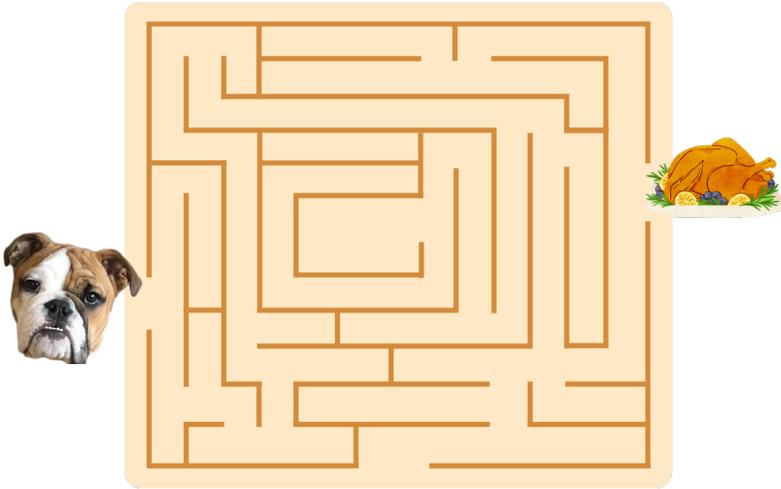
When gratitude is missing from my life, my mind is restless and my soul unsatisfied. Life becomes suffering. Inversely, even suffering can eventually bring joy when viewed through a grateful eye. During this season of thanks and celebration, I wish everyone the greatest happiness and, above all, the gift of gratitude.



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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.

## Games with James



Help James get to the Thanksgiving turkey!

## Giving (Every) Tuesday

Over the past couple months, we have had the opportunity to support:

- Palmetto Place Children & Youth Services
- FoodShare South Carolina
- Caleb's Dragonfly Dreams
- Children's Trust of South Carolina
- Freedom Readers
- PAALS - Palmetto Animal Assisted Life Services
- Meals on Wheels of Horry County
- Happy Wheels
- Sea Haven
- Midlands Fatherhood Coalition
- American Foundation for Suicide Prevention SC
- Palmetto Animal Assisted Life Services

To learn more about these deserving organizations and how to support them, visit our Facebook page!

## My Favorite Part of the Job : Connecting with Clients

As a former defense lawyer, I believe one of the great pleasures in representing injured folks is getting to know our clients and their friends and family. On the defense side, getting to know your client was important, but ultimately the insurance company was making the decisions and the adjuster just wanted to know if the insured was cooperating. But on the plaintiff's side, getting to know your client is the most important ingredient in getting the best outcome for their legal case.

I love that when I get a call from my client Jennifer it's not immediately to talk about her case but to share how her grandson's baseball tournament went last weekend. Or that when Mandy texts me, it's a picture of her latest baking concoction so I can show it to my kids - who will immediately ask how soon I can bring some home. At some point, I will ask Jennifer how she is dealing with her brain damage or

how Mandy's broken leg is healing, but not before talking about the other important things that add color to their lives.

Fortunately, these interactions do not stop when the case is over. A former client recently connected with me on LinkedIn to let me know her limousine business was up and running. Another came by the office to show me his ridiculously large tires (even more ridiculously large than mine) and to introduce his new German Shepherd puppy to the team.

As their lawyers, we end up being the people who tell their stories, whether it's to an insurance adjuster, another lawyer, a mediator, or ultimately the judge and jury. Everyone we serve has a story, and if you dig deep enough it usually turns out to be fascinating and certainly a great part of the job that feels nothing like work.



Attorney Brad Lanford

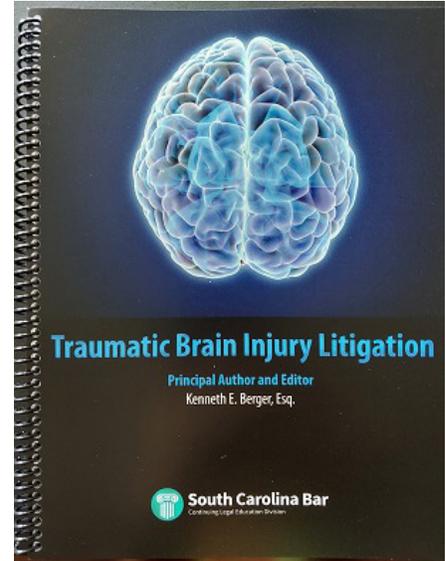
## Firm Snapshot

### Kenny Berger Authors Book on TBI Litigation

Kenny Berger is the principal author and editor of a new book, *Traumatic Brain Injury Litigation*. The book is a South Carolina Bar CLE resource for attorneys that offers practical tips and insights on how to approach TBI cases from both a plaintiff and defense perspective.

The book includes four chapters with insights from contributing authors Russell Button, Chris Finney, Mark Herbst, Gregory Kendall, Andrew Lehmkuhl, Sarah Lustig, Taylor Messervy, and Brandon Woodard.

*Traumatic Brain Injury Litigation* is available for purchase through the South Carolina Bar's online bookstore.



## The Practice of Law

### Brutal Honesty

In our last newsletter, I mentioned I was headed to Montana to learn from arguably the nation's top trial lawyer, Nick Rowley. It was a fantastic experience. Nick and his team encourage brutal honesty in the courtroom. Though it may not be the best policy in personal relationships, it is necessary amongst lawyers, jurors, witnesses, and judges inside a courtroom. Why? Because jurors are fact-finders, lawyers have a duty of candor, and credibility is paramount for anyone who speaks during trial. As importantly, the two sides involved in a lawsuit deserve fair, impartial jurors who are brutally honest during jury selection to ensure both sides start the trial on equal footing.

By asking jurors to be brutally honest with us, and by promising the same to them, there are no unknown biases, preferences, or tricks. Instead of gamesmanship and agendas, we achieve authenticity. Rather than

skepticism and fear, we create trust. We may not agree with what jurors tell us, but no matter which side you represent, isn't it better to know where folks stand before a trial starts instead of when it ends?

Brutal honesty inside a courtroom gives everyone permission to say exactly what they think without regard for whose feelings may be hurt. It lets us know which jurors are going to be biased toward or against us so that they may be properly struck for cause, and it also enables the jurors who are seated to know that both sides believe in fairness.

I am not a believer in brutal honesty when it comes to all communications outside a courthouse, but inside a courtroom, it is the best and only approach. If you don't believe me, look up Nick Rowley and what he has achieved.

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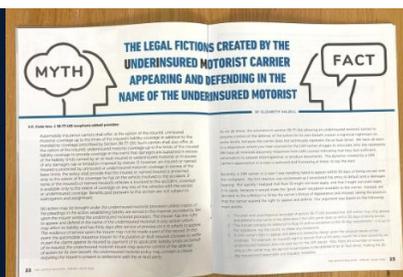
## LOKB Family Snapshots - We Have A Lot To Be Thankful For!

Happy Anniversary to Kenny and his wife, Grace! They celebrated 1 year of marriage on October 31.



Kenny had the privilege of attending the Trial By Human Conference in Big Sky, Montana in July, learning from great trial lawyers from across the country.

Attorney Liz Dalzell was recently published in the South Carolina Association for Justice's publication, The Justice Bulletin.



James is grateful for freedom, cool hats, and belly rubs - lots of belly rubs.

