

THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,
Justice Always

APRIL 2021 NEWSLETTER

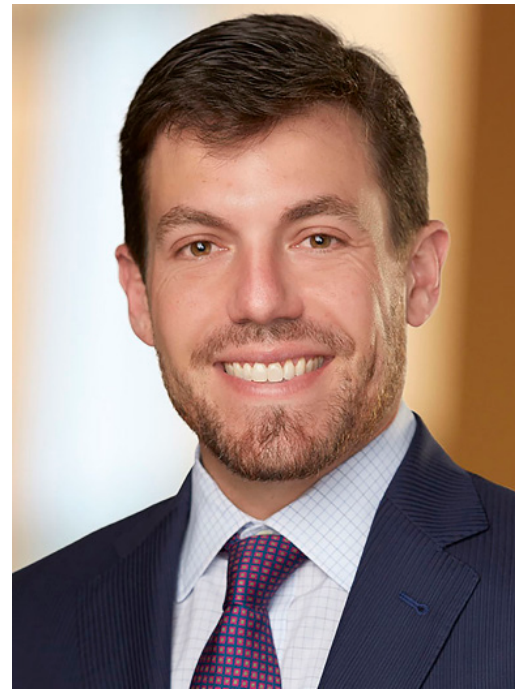
“Dual Motives”

This term is often seen in a negative light. When we discuss other people, we may highlight “ulterior” motives. In contrast, when justifying our own actions, we’re tempted to speak as if pure in heart and spirit. The truth is: most of our actions have multiple purposes. In other words, we have dual motives. And that, in itself, is neither bad nor shameful.

Take our case work, charitable giving, or recent podcast for example. I really love helping and educating other people. It’s fun. In the context of practicing law, it’s how I make a living. I want to help clients as much as possible and also make as much money as I deem fair and reasonable. My interests are both altruistic and self-involved. There’s no need to deny or hide that fact. Similarly, I genuinely enjoy giving away money. It feels better than making it and often times other people need it more than my family. Does that mean all our donations are perfectly selfless acts of charity? Of course not. Some of them are anonymous, but others are celebrated on social media. We want to be known as charitable human beings, while calling attention to important causes that others may join us in supporting. We also want to restore the good name of lawyers and elevate our firm’s reputation in line with our core values. If I hid from this fact, I’d be a hypocrite. I’d rather be honest.

Our podcast, “Best Practices,” gives me the opportunity to spread big ideas and further the reach of some of the best lawyers I know. It gets their names to a wider audience and hopefully helps other colleagues get even better results. At the same time, it puts me in prime position to learn directly from a collection of brilliant human beings.

No matter the endeavor, the motives that drive it will often be mixed and multiple. The challenge is to make sure serving others before ourselves remains primary. While the dual nature of our motives is nothing to hide from, we must always safeguard against chasing our own interests at the expense of others. Every time I put another person first, I’m always taken care of many times over. Admittedly, it’s probably one of my motives for being of service.



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



Spring has finally sprung! The temperatures are rising, the flowers are blooming, and James has LOVED rolling around in the piles of yellow pollen gathering around the office. We hope you're enjoying this beautiful season!

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Best Among Us



**Angela Rodriguez, MSW
South Carolina Spinal
Cord Injury Association**

Angela Rodriguez, MSW is the Executive Director of the South Carolina Spinal Cord Injury Association (SCSCIA), a non-profit organization offering individuals with spinal cord injuries (SCI) and their families resources, education, and support. Rodriguez started as a volunteer with SCSCIA ten years ago and has been the executive director of the organization for the past five years. In her role, she manages the day-to-day activities of the organization as well as providing answers and resources to people who contact SCSCIA with questions concerning fishing and hunting licenses, acquiring wheelchairs, medical treatment, accessible housing, and research opportunities.

SCSCIA offers a variety of programs to help people maximize their potential after experiencing a life-altering spinal cord injury. Its eight Breeze Support Groups connect more than 300 people throughout South Carolina with SCI through positive group activities and outings like ballgames, chili cook-offs, and – during the pandemic – virtual gatherings like trivia nights and scavenger hunts. Its Wheeling in New Directions (WIND) conference, scheduled for October 2021, helps people with SCI, their families, and professionals learn about research topics and interact with peers from all over the state. SCSCIA also recently added a program called SC Lead for 8th grade students with disabilities that offers virtual classes about self-advocacy.

Spinal Cord Injury Awareness month is coming up in September and SCSCIA is currently looking for volunteers. Throughout the month, they offer educational webinars online. Last year, they reached more than 700 people across the country! To learn more about SCSCIA and the wonderful programs they offer, follow them on Facebook (@SCSpinalCord) or visit scspinalcord.org.

Firm Snapshot

Kenneth Berger Launches New Legal Podcast

We are excited to share that we've launched a legal podcast! Over the past few months, Kenny has recorded episodes with some of South Carolina and the nation's best trial lawyers about their approaches to every aspect of practice, from case selection to closing argument.

Five great episodes are already available and more are on the way. Be sure to subscribe so you don't miss out on these and future episodes! The podcast is available on Apple podcasts, Google podcasts, Spotify, and our website.



BEST PRACTICES
WITH KENNY BERGER

The Practice of Law

Invest in Cases, Invest in Truth

After a car crash, the officer of course completes a collision report. He or she estimates the speed of the vehicles based on property damage and witness statements. Later on, often at depositions, plaintiffs and defendants will be asked to estimate their speed at the time of the wreck. It's all guesswork, and it isn't very reliable.

We wanted a better solution, so we copied our good friend, Chris Finney, in St. Louis and bought a Crash Data Recorder. Bosch makes them, and while they're not cheap, they are worth it. By the time you read this newsletter, we will have performed multiple data downloads that provide insight as to vehicle speed, braking, driver awareness, and force on impact. Each of these factors potentially add value to our clients' cases and counteract the notion that, "It wasn't that bad."

Another evidentiary button we've been working hard to push is forensic cellphone downloads. This obvious-

ly comes into play in alleged distracted driving cases. Its utility doesn't end there, however. Drunk driving cases are ripe for cellphone downloads as they may provide evidence of intoxicated behavior/communication, dram shops, and witnesses. Cellphones can also reveal coordinated efforts between various defendants or defendant employees to downplay or hide potential facts. When cellphone data is deleted, a forensic download can prove when the deletions occurred and whether they took place after receipt of a preservation of evidence letter.

The best lawyers I know go out and find the best facts. Sometimes that takes place through written discovery, sometimes in depositions, at times with private investigators, and always by investing time and money into uncovering the truth.

LAW OFFICE OF KENNETH E. BERGER, LLC
5205 FOREST DRIVE
COLUMBIA, SC 29206

- 1 Dual Motives
- 2 Best Among Us: Angela Rodriguez, MSW, SCSCIA
- 3 Invest in Cases, Invest in Truth

WWW.BERGERLAWSC.COM
(803) 790-2800



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Attorney Review

5.0 ★★★★★
via Google

Ashley Washington, Trial Attorney, Houston, TX

“Kenny Berger and his team are passionate people that love what they do and why they do it. Their team is all-in for every single one of their clients. It is clear from the first time you speak with them that their main focus is on making sure that their clients feel cared for, feel like they are understood, and know they are a top priority. It is true that it is hard to find the right attorney that you can trust, especially when something terrible has happened to you - but, this firm goes above and beyond to honor your trust and help you find closure. Really grateful for the chance to have gotten to know this team. Thank you!”

