

# THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,  
Justice Always  
NOVEMBER 2020 NEWSLETTER

## "United We Stand"

As I sit here writing, we are still more than one week from Election Day. As you read this note, the elections have hopefully concluded without increased controversy or division. No matter someone's political leanings, I believe most people acknowledge that the United States is strongest when united. Historically, our nation has been most unified and at its best when confronted with outside dangers. On the contrary, history and the hindsight it provides, shows our country is most vulnerable when weakened by internal discord.

America is not unique in this regard. People often cite Rome as an empire that crumbled from the inside. Rome is not the only example from history, however. In fact, for all the empires, nations, and tribes erased from history solely by external force, there are many more that went by the wayside due to weakness brought on by in-fighting.

I'm not suggesting America is anywhere close to collapse. Rather, we remain the strongest, most influential country in the world. Yet we could be stronger. Our influence – and with it our ability to bring peace, justice, and prosperity to other parts of the world – could be greater. It starts at home though.

Three or four years ago, I was on a cross-country road trip. During that trip, I saw reminders of American achievement, from interstates and space travel to Mt. Rushmore and Manifest Destiny. We remain capable of so much good, so much progress, and so much more. It is my sincere hope that no matter the elected officials, we the people choose unity over divide, and together work toward a more perfect union.



A stylized handwritten signature in blue ink, consisting of a large 'K' followed by a cursive 'E' and 'B'.

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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



Here at the Law Office of Kenneth E. Berger, we have a lot to be grateful for - health, a compassionate, hard-working team, and incredible clients. We hope you and your loved ones have a safe and happy Thanksgiving!

### Thanksgiving Mad Lib

Every Thanksgiving is the same at our house. This year we are starting a \_\_\_\_\_ tradition. Instead of turkey we are having a \_\_\_\_\_.

Instead of sweet potatoes we are \_\_\_\_\_, and for desert we are making a \_\_\_\_\_ pie. After Thanksgiving dinner we usually watch \_\_\_\_\_ on TV. This year we are going to \_\_\_\_\_ around the \_\_\_\_\_, until we can't \_\_\_\_\_ anymore.

Would you like to try our new Thanksgiving tradition?

## Best Among Us



Steven Burritt  
MADD South Carolina

Steven Burritt is the executive director of MADD South Carolina, a nonprofit dedicated to eliminating drunk and drugged driving and supporting the victims of DUI crashes. Steven joined MADD SC in 2013, and over the past seven years, has grown the organization from two employees to nine, which has increased MADD SC's ability to support victims of drunk driving and their families, enabled them to start an underage drinking prevention program, and expanded the organization's court-monitoring program, which allows MADD to track DUI case outcomes and keep the public informed on public issues involving DUIs, creating conversations for change. For instance, in six of the seven counties MADD monitors in South Carolina, less than half of those arrested for drunk driving are convicted, meaning they are not held accountable and often become repeat offenders.

With the holiday season coming up, MADD SC has a few different events on the horizon. If you're in the Charleston area, the Walk Like MADD Lowcountry event will take place on November 21st at Hampton Park in Charleston. MADD's Tie One on For Safety campaign will also run from Thanksgiving Day through New Year's Day to help remind people of the importance of using a designated driver when their holiday plans involve alcohol. In December, MADD will host its annual Hope and Remembrance Vigil to honor victims and survivors of DUI crashes. To learn more about MADD SC, follow them on Facebook (@MADDSouthCarolina) or visit [madd.org/south-carolina/](http://madd.org/south-carolina/).

## Firm Snapshot

### Welcome Attorney Joel Hughes

We are pleased to welcome attorney Joel Hughes to our firm!

For the past 14+ years, Joel has worked with a local insurance defense firm, primarily defending state and local governments, in cases involving auto accidents, contractual disputes, civil rights claims, and more. Joel joined our firm because of his desire to help people at a time when they need it most. His practice at our firm will focus on catastrophic injury cases and government liability.

When he's not practicing law, Joel enjoys spending time with his wife, Allison, and their two children, Cohen and Holland.



## Case Results

### The Money Will Take Care of Itself

This entire section of the newsletter is dedicated to case results, and usually that means citing a dollar figure, either in terms of how much we got or how much we gave away. Going forward, we're changing it up. No more dollars and cents – there are plenty of other places for that. Instead, we'll use this space to highlight the good lawyering that helped achieve the good result.

I almost always tell clients that if they just focus on getting well and let us worry about the legal and insurance issues, the money will take care of itself. With the occasional exception, my statement has held true. While it's nearly impossible to turn a bad case into a good case, you can turn a good case into a great one. It almost always starts with investigating the “why” behind the incident. 18 wheelers don't just run into the back of a car; crane operators don't just drop a block of concrete siding 40 feet; and drunk drivers don't magically

appear behind the wheel. Rather, people consciously make a series of dangerous decisions that put other human beings at risk, then either deny or downplay the harm they cause.

By digging into the “why,” you begin to uncover motive (or apathy) in the same fashion as a criminal prosecutor. The defendant's recklessness – their conscious disregard for safety despite an awareness of the potential consequences – drives case values higher. When this approach is combined with an earnest desire to get to know your client and how they've been impacted, you begin to more deeply appreciate just how much should be paid to balance the harm and make right the wrong.

When you're willing to dig, push, question, and care, the money becomes secondary to the cause, and because of that, it pretty much always takes care of itself.



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## Client Review

5.0 ★★★★★

via Client Testimonial

Ray H., Car Accident Client, Columbia, SC

“I was hit by a car while working on the side of the road. I wasn’t planning on calling a lawyer, but my aunt referred me to Brad Lanford and told me this was a good firm. I was most surprised by how nice everyone was. I was treated very well, and everyone welcomed me with open arms. Communication was a 10 out of 10. If I ever thought of a question, they would answer it for me. Everyone was very helpful. This is a fantastic law firm that will help you any way they can.”

