



# LAW OFFICE OF KENNETH E. BERGER, LLC

OCTOBER 2015 NEWSLETTER

## SAFETY FIRST JUSTICE ALWAYS



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## “Who Serves Who”

BY KENNETH BERGER

Several years ago I was in Charlottesville, VA for my younger sister’s college graduation when I saw a quote from Gandhi. This wasn’t a quote about peace or self-determination but rather service. In discussing the customer (client), Gandhi said, “He is not dependent on us. We are dependent on him....We are not doing him a favor by serving him. He is doing us a favor by giving us an opportunity to do so.”

This quote recently came to mind after I had several bad service experiences. From a nice hotel to a fast food restaurant to a company I’ve done business with since I was a teen-

ager, I encountered an unusual degree of apathy. The problem wasn’t the people – I’m sure they’re plenty talented – it was their perspective.

Well, instead of trying to change other businesses’ broken systems, I decided to double-down on our firm’s efforts to give clients an extraordinary level of personal service and respect. We want to “wow” you. However, we can only do so by approaching our job with the right perspective, and with the awareness that by giving us the opportunity to be of service, it is you who serves us. And for that I say, “Thank you.”

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.

## Waivers and Sports Injuries in South Carolina

BY KENNETH BERGER

Before a child is allowed to play sports - either at school or in a recreational league - parents are often asked to sign a waiver. In South Carolina, waivers might prevent you from filing a simple negligence claim, but a waiver will not bar a claim based on gross negligence, recklessness, or intentional conduct. In other words, if your son or daughter sustains injury because of something other than an unpreventable accident, you may still attempt to hold the at-fault party responsible. For example, if a coach or school knowingly allowed children to play football with sub-standard helmets, and as a result, a child suffered a serious head injury, the waiver would likely be ignored by a judge.

Sports related injuries are common in South Carolina, and across the country. Many times, these injuries are "just part of the game." Other times, however, these injuries are the result of reckless choices on the part of a coach, league, or athletic director. When you sign a waiver, you "waive" your right to seek compensation for unpreventable accidents, but signing a waiver does not give anyone the right to place your child in needless danger.



## REXY'S RECIPES: CAMEL APPLE DIP

### Ingredients:

via [chef-in-training.com](http://chef-in-training.com)

- 16 INDIVIDUALLY-WRAPPED CARAMELS, UNWRAPPED
- 1/4 CUP WATER
- 8 OZ CREAM CHEESE, SOFTENED
- 1/2 CUP BROWN SUGAR
- 1TSP VANILLA



### Directions:

1. IN A MEDIUM SAUCEPAN OVER MEDIUM-LOW HEAT, MELT THE CARAMELS IN THE WATER, STIRRING FREQUENTLY. WHEN THE CARAMELS HAVE MELTED COMPLETELY, REMOVE THE SAUCEPAN FROM THE HEAT AND SET ASIDE.
2. IN A MEDIUM BOWL, MIX TOGETHER THE CREAM CHEESE, BROWN SUGAR AND VANILLA UNTIL SMOOTH.
3. LASTLY, FOLD THE CARAMEL MIXTURE INTO THE CREAM CHEESE MIXTURE.
4. SERVE IMMEDIATELY WITH APPLE SLICES.

### Fall Bonus: Candy apples!

VISIT OUR FRIENDS AT CROMER'S IN COLUMBIA, S.C. FOR DELICIOUS CANDY APPLES, OR PURCHASE THE ITEMS TO MAKE THEM AT HOME WITH YOUR FAMILY AT [CROMERS.COM](http://CROMERS.COM).



## THE BEST AMONG US: REHAB WITHOUT WALLS

For more than 27 years, Rehab Without Walls has offered an alternative to traditional neurological rehabilitation programs. This unique service is delivered where patients with brain or spinal cord injury, stroke, or other neurological impairments need it most - in their own surroundings.

Rehab Without Walls focuses on providing patients with the functional skills necessary to participate in practical daily activities at home, school, work or in the community where they live. The ultimate goal of Rehab Without Walls is to provide care in a comfortable, familiar environment, and help patients experience better outcomes with the help of a skilled clinical team.

For more information, call their toll free line at (866) 734-2296 or visit [rehabwithoutwalls.com](http://rehabwithoutwalls.com).



# FIRM SNAPSHOT: #KBJERSEYGIVEAWAY



Our famously divided firm hosted two kids' jersey giveaways the first week of September, and experienced first hand the passion South Carolinians have for football. After receiving tremendous support on social media from both USC and CU fans, there is no wonder as to why our state upholds America's third longest continuously played college football rivalry.

We appreciate everyone who participated in our contest and shared photos of their little Gamecocks and Tigers with the hash tag, #KBJersey-Giveaway. Our team would also like to congratulate the winning families: The Chapmans (USC) and The Cermaks (CU).

Pictured right is Peyton, our Clemson winner, sporting her new jersey after the Tigers won against Appalachian State on Sat., Sept. 12. Follow us on Facebook at [facebook.com/BergerLawSC](https://www.facebook.com/BergerLawSC) for more giveaways this fall.

## The Power of Positive Thinking

STORY OF BRENNEN BARBER, BRAIN INJURY SURVIVOR, AS TOLD BY ALIVIA TROXELL

"Why me?" "How could this have happened to me and my family?" "What did I do to deserve this?"

In tough times, we have all asked ourselves these questions. However, the big question should be, "What am I going to do now?" When a Friday night football scrimmage went from ordinary to life threatening, Brennen Barber, 22, didn't fear the unknown. He embraced it.

On August 5, 2011, Brennen received a helmet-to-helmet hit that resulted in a subdural hematoma. His body gradually felt the effects - first, loss of balance and the feeling in his arms and then, all consciousness. Mid-Carolina High School's athletic trainer, Caleb Lott, recognized the severity of the situation and ordered Brennen to be rushed to the hospital. It was a decision that presumably saved Brennen's life.

After undergoing an intensive surgery and other critical medical treatments, Palmetto Health Richland released Brennen the following Friday. He was assigned physical, speech, and occupational therapy, each twice a week, at HealthSouth and home-schooling for eight weeks. When he first returned home, he couldn't watch television or talk on the phone and only a few visitors were allowed to see him at one time to avoid over stimulating his brain. He was also no longer allowed to ride his bicycle or play organized sports.

"It seemed like everything was falling apart at once," Brennen remi-

nised. "It was my senior year of high school, and I wanted to play football, soccer and maybe even wrestling. I wanted to be as involved as I could and couldn't go back to school until October."

Over the course of his rehabilitation, Brennen decided to make the best of his situation rather than wallow in self-pity.

"I knew if I dwelled in what I couldn't do, I would never do anything," Brennen said. "I had to redirect my mindset and put myself around positive things. I really got involved in church and was saved throughout the process. There was no reason to be as fine as I was. There were a lot of things my parents were told I shouldn't be able to do. So, I focused on what I could do versus couldn't do."

Brennen formed close relationships with the faculty at HealthSouth and Caleb throughout therapy. He also found support in his church community, the Brain Injury Association of South Carolina, and amongst friends and family.

"I had to be patient and that is not one of my better qualities," Barbara Barber, Brennen's mother, commented. "It's hard to see your child go through that, but it was important for me to be supportive and tell Brennen that it is okay he can't do some things."

Fortunately, today Brennen suffers very little from his brain injury and has accepted his new way of life,

because it is much better than what it could have been. He does struggle however, with short-term memory loss, sensitivity to light, and frequent headaches. According to his mother, Brennen is still the same awesome kid he was before, and his accident actually changed him for the better.

"He has always been the kind of kid who lives outside the box; had a dry sense of humor; not a crowd follower; his own person - like "This is who I am. I'm not going to change," Barbara insisted.

In accordance with his aspirations of being active, Brennen took up playing tennis and numerous musical instruments. He even learned he has a knack for public speaking and enjoys using his story to inspire others affected by brain injuries.

Brennen is currently pursuing a career in ministry and due to graduate from Charleston Southern University next year.

When asked what three pieces of advice he would give to brain injury victims, Brennen responded:

- 1) It gets better;
- 2) Don't be afraid to let others help; and
- 3) Don't dwell on the negative.

Anyone enduring trivial circumstances can heed Brennen's advice, not solely those with brain injuries. He encourages us all to put things into perspective, to consider the ways it could be worse, and to keep in mind that there is always something to be thankful for. **3**

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## PROFESSIONAL AND EXCEPTIONAL SERVICE

Client Review by Prischilla R. of Columbia S.C.

via **AVVO**

Overall rating	★ ★ ★ ★ ★	Excellent
Trustworthy	● ● ● ● ●	Excellent
Responsive	● ● ● ● ●	Excellent
Knowledgeable	● ● ● ● ●	Excellent
Kept me informed	● ● ● ● ●	Excellent

“I hired Kenneth Berger after my daughter was severely injured in a car accident. He provided our family with exceptional service and I was very pleased with him. *He was professional, compassionate, and I trusted he had our best interest from the very first meeting.* I would highly recommend him to anyone seeking a personal injury lawyer. He truly did a great job!”

NOTE: 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 REDISTRIBUTED AS LONG AS THE NEWSLETTER IS COPIED IN ITS ENTIRETY.



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