



# LAW OFFICE OF KENNETH E. BERGER, LLC

October 2016 Newsletter

## SAFETY FIRST JUSTICE ALWAYS



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## “Train, Trust, Delegate”

BY KENNETH BERGER

Almost everyone I know has too much to do, and not enough time to do it. Even when we make lists, prioritize, and efficiently take care of our responsibilities, it seems like the hits just keep on coming. From work to family to community, it can feel like we're being pulled in 1,000 different directions by even more competing interests. So what's the solution?

For me – when I have the discipline to do it – the solution is to train, trust, and delegate. This approach is essential not only for owners and managers, but for all of us. My firm runs best when I spend as much time as possible doing the things that only I can do. Whether it's trying a big case, taking a medical expert's deposition, spending time getting to know a client at their home, or meeting with a referring attorney, I must engage in as many high-level activities as possible for us to meet our goals. However,

that implicitly requires that every other responsibility attendant to running a law practice is being satisfied. The only way that gets done is through hiring exceptional people, training them to execute responsibilities at the highest level, trusting that they will do a great job, and then delegating those responsibilities to them.

One of my favorite questions to ask is, “Could someone else do this just as well as me so I could spend time doing something that only I can do?” I don't ask this question out of laziness, but rather based on an awareness that to best serve our clients and community, I must maximize each team member's potential – including my own. I encourage you to begin training, trusting, and delegating, both at work and at home. It will result in greater productivity, less stress, and more free time. Plus, its football season and we could all use a little more time in front of the TV;)

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. 1

## TRACTOR-TRAILER SETTLEMENT

A national company chooses to hire a man with a questionable driving record. They put him behind the wheel of a tractor-trailer and send him out on South Carolina's roadways with little training. Over the course of his employment with the company, he commits 21 safety violations. All of these violations occur prior to an early morning in February 2014, when this same driver chooses to turn left in front of an oncoming vehicle, resulting in a collision that nearly ends a man's life.

Fortunately for the driver of the oncoming vehicle, he struck an axle on the trailer, rather than being crushed by the trailer's underride. Though his back was broken, his wrist ligaments torn, and his brain concussed, the man thanked G\*d for sparing his life.

This was a case the insurance company should have settled in 2014. However, it wasn't until we obtained a trial date that the insurance carrier offered a dime. While they continued to try to blame our client for the wreck, they recognized that 21 safety violations – the root cause of which was an apathetic, out-of-state company – plus a church-going, football coach (our client) whose former players were lining up to testify on his behalf, could result in a very large verdict. Thus, shortly before trial they paid far more money than we initially asked for. Additionally, we made the settlement contingent upon the company taking all necessary steps with SCDOT to get a traffic light at the intersection where the wreck occurred in an effort to prevent future injury to other innocent people.

*\*See what Coach Jordan & his family have to say on Page 4*

## FOR REFERRING ATTORNEYS

If you are one of our many referring attorneys, we want to thank you for allowing us to serve. Your trust means a great deal.

We seek to strengthen your relationship with the client by providing him/her with a great experience, as well as a great result. Additionally, we always make it a point to emphasize that you are truly the person to thank, as it was your good judgment that allowed us to take part in their representation.

If questions arise in the coming month concerning a life-changing injury or wrongful death case, we are here to help. From simply answering your questions to being associated on or referred the case, please let us know what we can do to benefit you and the client. Likewise, if you have a potential client call us directly, be sure to have him/her say who made the referral so we know who to thank.

To discuss anything from litigation tactics to our core values, call us at **(803) 790-2800** or email **kberger@bergerlawsc.com**.

## THE BEST AMONG US:

### Shirley Towne

Meet Shirley Towne, owner of 24/7 Total Protection, a local ADT Dealership. Over the years, the number of homes ADT protects has increased even when the housing industry was challenged. It is ADT's mission to design a system that meets your family or business' needs. In an effort to provide more than just security, they also provide peace of mind. ADT strives to be the leader in the industry. They come to your home and hear your concerns. To ADT, you are more than someone who pays their bills; you are their neighbor. For more info on Shirley and her team's services, call 803-996-3131 or visit [www.homeandfiresecurity.com](http://www.homeandfiresecurity.com).



# FIRM SNAPSHOT:

## BIASC ANNUAL CONFERENCE

Last month, we had the pleasure of giving a presentation at the Brain Injury Association of South Carolina's Annual Conference: Living With Brain Injury.

In South Carolina, TBI is the leading cause of death in persons ages 1-44 and that is one of the reasons we put special emphasis on these cases. We spent the day discussing "Why Medical Providers Need Not Be Afraid of Brain Injured Patients' Lawyers," while also meeting a lot of wonderful brain injury survivors.

This conference served as a forum for the exchange of information on programs and resources. We were humbled by the invitation, and are already looking forward to next year. For more information on BIASC, visit [www.biausa.org/SC/](http://www.biausa.org/SC/).



## BACK TO SCHOOL: CHILD SAFETY ON PLAYGROUNDS

It's that time of year again. It's time to send your children off to school and with school comes recess. Children love playgrounds for the possibilities and variety they present. Teachers like playgrounds because it gives their students an opportunity to interact with others. Unfortunately, numerous children are injured every year as a result of playground accidents. Many of these accidents are preventable; others need not produce so great a consequence. We want to do our part to lessen the number of playground injuries and make South Carolina a safer place for our kids. Here are three tips you can follow, adapted from [kidshealth.org](http://kidshealth.org), regarding playground safety.



1. Always check the playground surface. Children are going to fall from the monkey bars, tumble out of slides and push each other off equipment. The playground surface must be forgiving if we are to reduce the chance of injury. Concrete, blacktop and hardened earth will not provide the cushioning a child needs if they slip, tumble or fall. Instead, only visit playgrounds with soft surfaces. The

best playgrounds usually have mulch, pine bark or sand.

2. Inspect the equipment. Rusty swings break, rickety slides collapse and rotten wood splits. If the playground has broken equipment, let your child's teacher know. The swing should not sound like it's "whining." Nor should the slide rattle.

3. Avoid ropes and certain swings. Ropes often break. They also present strangulation hazards - especially near slides. Some swings are inherently dangerous. For instance, "glider swings" that can hold more than one child at a time often result in at least one child falling off. If you think it could be dangerous, eliminate the risk rather than taking a chance.

Many of my best childhood memories involve recess. I want the same for your kids and I hope these tips serve as reminders that school playgrounds should be not only fun, but safe as well. We wish all of your children a great school year!

# CLIENT REVIEW:

5.0 ★★★★★

via Google

The Jordan Family - Ridgeland, SC  
“Kenneth Berger and his staff provided excellent service throughout our case. They made us feel more like friends or family rather than clients. We were always kept in the loop and never had to wonder what was going on with our case. If we had questions, they were answered in a very timely manner. Mr. Berger’s attentiveness, commitment to truth and his professionalism is shown in every meeting and call. After the initial meeting, we were so confident and comfortable with Mr. Berger and his team handling our case that the anxiety and stress we felt vanished which made it easier for the healing to begin. His passion for justice made us truly happy that he was on our side.”

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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