

# THE LAW OFFICE OF KENNETH E. BERGER, LLC

Safety First,  
Justice Always

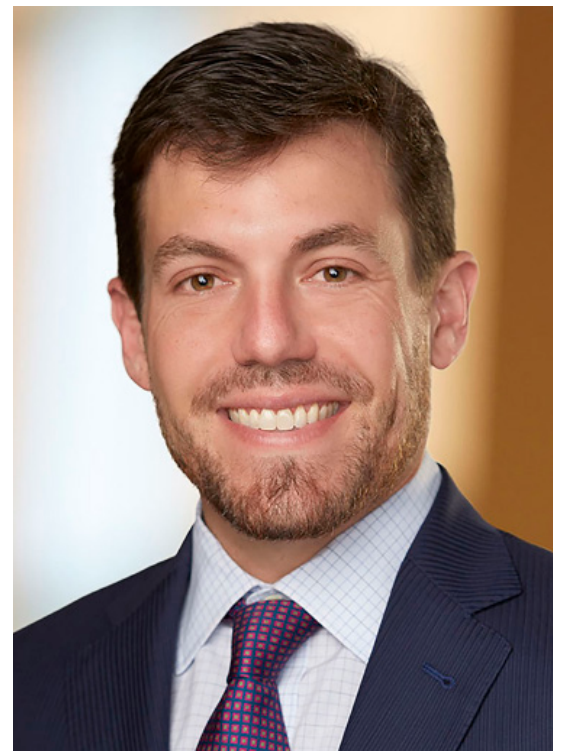
FEBRUARY 2021 NEWSLETTER

## "Ethos"

Acclaimed lawyer and author, Rick Friedman, recently published a great book that centers around the idea of "ethos." To be honest, I had to look up the word to remind me of its exact definition, as I've heard it used many different ways over the years. In the context of Rick's book, he's referring to a person's essential nature, character, and morality. More specifically, Rick is talking about a lawyer's ethos. Is the lawyer going to be led by a moral compass or bank account or need for prestige or any other number of pulls on one's ego? Does the lawyer view himself or his client as the most important half of the relationship? To draw on another example, is the lawyer more in the mold of Gregory Peck from *To Kill a Mockingbird* or Keanu Reeves in *The Devil's Advocate*?

Rick Friedman is amongst the most financially successful lawyers in the country. He has made more money than he will ever spend. It has been his approach – and the one he expounds – that distinguishes him, however. Rick has obtained record verdicts and settlements by positioning himself as an honest, trustworthy, impeccably prepared advocate for truth and morality. It is less his dramatic flair and dazzling oratory, and far more his conviction that has led juries to return large numbers for Rick's clients.

When he speaks, often quietly, people listen. Audiences recognize his mild-mannered, earnest approach as one they can trust because they know he believes what he is telling them. It's hard to change much about your personality as an adult, but we all have the ability to further develop our character and moral compass. When we work deeply on ourselves, then bring that truest self to bear in our work or relationships, people notice. Like Rick Friedman, we all have the opportunity to be led by, and in turn lead with, the best parts of our character. The results we begin to obtain often serve as the best evidence of this truth.



A handwritten signature in blue ink, appearing to be 'Rick Friedman', written in a cursive style.

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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.

## 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](mailto:kberger@bergerlawsc.com).

## Best Among Us



Amy Johnson Ely  
Palmetto Cycling  
Coalition

Amy Johnson Ely is the executive director of the Palmetto Cycling Coalition (PCC), a non-profit organization that is dedicated to making South Carolina bicycle and pedestrian friendly. Ely has been the executive director for more than 8 years. PCC works with statewide partners to advance pedestrian and cycling safety initiatives in South Carolina's legislature. Ely says her proudest achievement was a group effort that successfully advocated for the development of bicycle and pedestrian safety policies with the South Carolina Department of Transportation and a \$5 million-dollar annual investment toward building a safer South Carolina for non-motorized vehicles and pedestrians.

During the legislative session this year, PCC has its work cut out for it. For the past 4 years, PCC has worked to enact the SC Hands-Free Act, which would outlaw the use of a wireless device while operating a vehicle, though drivers may still place a call with a single swipe on a phone using a hands-free device, Bluetooth devices, headphones, or an earpiece. The goal of the bill would be to decrease distracted driving and make our roads safer for pedestrians and bicyclists, a worthwhile goal as SC is currently in the top 10 most dangerous states for pedestrians in the US. PCC will also be working to pass the 3 Feet to Pass Bill, which will define the safe distance to pass a bicyclist on the road as 3 feet.

You can support PCC and help make our roads safer by donating and signing up to receive the organization's newsletter at [palmettocycling.org](http://palmettocycling.org).

## Firm Snapshot

### The Firm Celebrates Its 10 Year Anniversary

On January 3, our firm celebrated its 10-year anniversary. When attorney Kenneth Berger founded the Law Office of Kenneth Berger on January 3, 2011, he recognized the extraordinary and immeasurable impact we could achieve in our community – the children we could protect, the families we could serve, and the lives we could save. Over the past decade, our team has worked hard to provide our clients with professional, compassionate service to keep our community safe. We are grateful for the many years we've been able to serve people throughout South Carolina and look forward to doing so for many decades to come.



## Case Results

### Drunk Driving Crash - Action Steps

We resolved a case last year where a drunk driver crashed into the back of two people on a moped, killing our client and severely injuring her driver. The couple was on their way home from work at a local diner when the crash occurred.

The drunk driver was uninsured and did not have anything in the way of assets. Moreover, neither our client nor the moped owner had insurance coverage. We were facing a situation where two children had been deprived of their single, working mom, but there was no auto insurance to pay a dime.

From the outset, we were investigating where the drunk driver had been in the hours leading up to the crash as we sought to determine whether a bar or restaurant had “overserved/oversold” the intoxicated driver. Through a lucky break and lots of work, we were able to pin down the driver’s exact whereabouts, identify the bar that got him wasted, and recover the policy lim-

its from the bar’s insurance carrier. Chris Pracht, who represented the profoundly injured moped driver, did a great job navigating the settlement process for his client, and our clients split the overall recovery.

In handling this and other DUI crash cases, we’ve seen that a set of clear action steps go a long way toward holding all responsible parties accountable. We have a long checklist that we’re glad to share with any plaintiff’s lawyer who wants it, but big picture-wise the key is to identify all witnesses, establish timelines, obtain all videos, preserve all evidence, work with law enforcement and all other potential allies, consult good experts, and treat the case like it involves a “dram shop” until definitively proven otherwise.

When the damages are bad enough, you have to explore every avenue of recovery. You may come up empty, but either way, you and your client will know everything possible was done.

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## Client Review

5.0 ★★★★★  
via Google

Lydia G., Car Accident Client, Columbia, SC

“I was recommended by an associate to call the Law Office of Kenneth Berger 3 days after I was in a car accident in December of 2019. The welcome I received and the reassurance they gave me was what made my mind up to switch from who I called the day of my accident to them. They made sure I knew every single detail, while explaining the process clearly, and took me through it step by step along the way. I do not regret my decision to switch. They made the process so easy! They handled everything for me and were so informative and attentive. The staff and lawyers really made me feel like a priority, which was really important to me after everything I had been through with my injury. They never hesitated to call or respond to an email and always asked me how I was feeling. They truly care for their clients, and that is what made my experience with them special. 10/10 will recommend them to everyone I know!”

