

Safety First, Justice Always

LAW OFFICES OF KENNETH BERGER NOVEMBER 2024 NEWSLETTER

“Why This is the Best Job in the World (For Me)”

Doctors have the power to heal. Teachers are blessed with an ability to educate. Coaches are uniquely positioned to transform young people’s lives. The list of admirable, honorable professions goes on; yet for me, none is greater than being a lawyer.

I should clarify the type of lawyer I’m talking about. I don’t mean just anyone with a law license; I don’t mean someone who sold their soul for a paycheck; and I’m not referring to lawyers who would do anything to win, justice and righteousness be damned (e.g. big tobacco lawyers who hid and destroyed documents for decades).

No, I’m talking about real professionals. I’m talking about the men and women who wake up every day and make a decision to protect the rights, lives, and dignity of deserving human beings – often in the face of dangerous corporations, insurance giants, and overwhelming odds.

When you represent another human being, you are reminded that our human values - the ones we inherently possess as children and which still guide our best and truest selves - are at the core of both our lives and the law. Nearly every person I’ve ever met values life, family, health, and independence (including their right to worship as they choose) above all else. The law knows this to be true and says that when these greatest of all assets are damaged or taken, justice requires a full balancing of the scale. It is my job to remind others of this fact and to help put full value upon this type of harm.

In no other field am I allowed to help people by proving their value as human beings. Nowhere else am I given the opportunity to call attention back to the near limitless value of what the law calls non-economic damages, but which outside the law we simply call life. And no other profession charges me with the duty to hold those who caused such harm accountable to such degree that they cannot afford to ever do it again.

That is why being a lawyer – or at least the type of lawyer who protects deserving human beings from injustice – is the best job in the world, for me.



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.

Many Hats, One Goal - Attorney Brad Lanford

One of my favorite things about being a lawyer is that we get to wear a lot of different hats – advocate, counselor, unlicensed therapist, and friend. We wear each of these at some point during our representation. Recently, we had a client living in western North Carolina. After Hurricane Helene passed through, I reached out to him—not about his case, but simply to check in and ensure he was safe. We discussed his case later.

While most of the time we are donning our advocate hats, the counselor hat usually comes on when it is time to talk about whether to resolve a case short of a jury trial. We prepare our cases for trial from the very beginning, but the reality is that many cases settle before they ever see a courtroom. The interesting part of the settlement and negotiation process is that both sides take a hard look at their respective cases and usually see a mix of good and bad. The “perfect” case for either side simply doesn’t exist – or I have yet to see it. Although this might be a difficult conversation to have with a client, it’s never something I dread because we’ve built a strong relationship throughout the process with my other hats on.

The highest compliment I can receive from a client at that point in the process is, “I trust you.” I heard it recently, and it hit me how pow-



erful those words are. It can be hard to put your trust in someone, especially when it comes to something as important as your legal case. It’s an awesome responsibility and not something I take for granted. And hopefully when the case is over, and the hats all come off, we have a connection that lasts much longer than the case.

The Practice of Law

What the Best of the Best Have in Common

I recently had the good fortune to present with renowned trial lawyer, Nick Rowley. Our presentation was part of a large conference known as Trial Lawyers University. Its founder, Dan Ambrose, did an incredible job of gathering many of the country's leading plaintiff's attorneys to discuss everything from depositions to closing argument. In addition to presenting, I had the opportunity to attend more than 20 hours of presentations from the absolute "best of the best" from across the nation.

One of my goals was to identify the commonalities amongst them. Each has their own style and personality, along with nuanced approaches, but they also have a great deal in common. After reviewing my notes, giving it some thought, and letting it all sink in, here are five of the common denominators I identified in the best of the best:

1. Preparation

These folks aren't simply prepared the day or the week prior to trial. Their preparation for trial begins from the first client meeting or referral. They are working on opening statements, legal issues, examinations, close, rebuttal, and potential post-trial issues far in advance of a trial date. Because of that, they show up relaxed, rested, confident, and ready for anything.

2. Teamwork

None of these world-class lawyers try to do everything themselves. While they are immersed in the case and responsible for countless key decisions and actions, they also recognize the need to train, trust, and delegate. They have great people around them and don't try to take on everything themselves at the risk of dilution and poor performance.

3. Experience

This group of lawyers is battle-tested. They have won

lots of cases, lost some along the way, survived to take on the next case, and lived to tell the tale. Each of them knows they can get great results because they

have done it before and will do it again. They walk the walk, and because of that, understand the pitfalls, traps, and potential attacks they might face throughout trial.

4. Conviction

Each of them is a true believer in our civil justice system. They believe in their cases, clients, and the causes these legal battles represent. When they stand before judge and jury, they know they are right. Not because they say so, but because that is what the evidence shows. Their conviction does not come off as self-righteousness, but rather as total belief in right and wrong – and they know which side they represent.

5. Framing & Storytelling

These lawyers only take on cases where there is a true, persuasive story to tell. They're not there to BS anyone or try to obscure the truth. There's no spin. That gives them tremendous credibility, and by extension, persuasive power. When they talk about the case, it isn't a linear presentation of sterile facts – it's a real story about real people who have suffered real harm at the hands of another's really bad conduct. You can feel down to your soul what must be done for purposes of accountability and justice.



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