

## KIMBERLY EASTER ZIRKLE

*Member, Financial Services*

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Kimberly Zirkle focuses her practice on corporate finance and acquisition transactions. She regularly represents a variety of lenders, private equity portfolio companies, and private companies in corporate finance and acquisition transactions. Kimberly's experience involves a wide variety of debt structures including: unitranche, ABL, first lien, split lien, second lien, and mezzanine (secured or unsecured).

Kimberly primarily represents SBICs, BDCs, lenders and institutional investors in the structuring, negotiation, and documentation of debt transactions and related equity co-investments. She has experience involving a wide variety of debt structures including: unitranche, ABL, first lien, split lien, second lien, and mezzanine (secured or unsecured), for both domestic and cross-border transactions. When asked what she does, Kimberly frequently responds "we do what our clients do." The flexibility and willingness to pivot enables Kimberly and her team to craft creative solutions and structures for lender clients to seek to maximize returns and achieve the desired outcome.

Kimberly also regularly represents private equity funds in leveraged buy-out transactions and represents portfolio companies and other private companies as borrower counsel in their third-party debt financings. In her role as borrower's counsel, Kimberly is a trusted advisor to her private equity and corporate clients and provides counsel on structuring, debt terms, and other business considerations in order to enable clients to meet their financing needs. She has provided counsel to clients for transactions involving technology, service and manufacturing companies as well as for companies operating in regulated industries such as government contracting, telecommunications and health care.

### Capabilities

Asset-Based Lending

Direct Lending & Private Capital

Independent Sponsor

Junior Debt & Equity Investments

Private Equity

Small Business Investment Companies

### Education

B.A., University of Tennessee, 1994

J.D., University of North Carolina at Chapel Hill, 2006, with honors; Editor-in-Chief, North Carolina Banking Institute Journal, 2005-2006

### Admissions

North Carolina, 2006

United States Supreme Court, 2018

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Kimberly currently serves as co-chair of Moore & Van Allen's Pro Bono and Public Service Committee and regularly represents victims of domestic violence on a pro bono basis in custody, support and divorce proceedings. She led the effort to develop and launch the firm's small business pro bono vertical aimed at providing much needed transactional assistance to small businesses in the Carolinas owned by persons of color. Kimberly was a founding member of the firm's Young Professionals Subcommittee which is responsible for organizing local networking events for young professionals in the Charlotte community and takes an active role as a mentor for younger attorneys across the firm.

### Other Areas of Law

Mezzanine Finance  
Private Equity  
Venture Capital

### Notable

- Co-chair, Moore & Van Allen Public Service Committee
- Member, Law Firm Antiracism Alliance (LFAA) Systemic Racism Legal Inventory (SRLI) Banking Working Group
- Board Member, Safe Alliance
- Volunteer Judge, Cabarrus County Teen Court
- "Not So Perfect: The Disconnect Between Medicare and the Uniform Commercial Code Regarding Health Care Insurance Receivables" 9 N.C. Banking Inst. 373 (2005)
- Past Member, North Carolina Banking Institute Board of Advisors
- North Carolina Pro Bono Honor Society, 2018-2020
- NC Bar Association Annual William L. Thorp Pro Bono Attorney Service Award, June 2014
- Sally and Bill Van Allen Public Service Award, Moore & Van Allen, June 2013
- *Mecklenburg Times*, 50 Most Influential Women, May 2010
- *Charlotte Business Journal*, "40 Under 40", June 2009
- The Honorable Jane V. Harper Pro Bono Award, 26th Judicial District SelfServe Center, Mecklenburg County Bar Association, June 2009
- Pro Bono Impact Award, Business Leader Media, March 2008

### Affiliations

- North Carolina Bar Association
- American Bar Association
- Association for Corporate Growth, Charlotte chapter