ROBINSON GRAY
Litigation + Business

Joseph Kershaw Spong

MEMBER

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KERK PRACTICES IN THE AREAS OF COMMERCIAL REAL ESTATE LITIGATION AND LOAN WORKOUTS, BANKRUPTCY AND EQUITY COURTS.

He has handled numerous commercial loan workout cases including golf courses, stockyards, theaters, commercial office buildings, development tracts and hotels. He has successfully tried cases in the South Carolina Supreme Court on behalf of lenders.

He serves as the Chapter 12 Bankruptcy Trustee and as a Subchapter V Trustee in the District of South Carolina. Kerk previously served as counsel to the United States Senate Judiciary Committee (1985), United States Senate Labor and Human Resources Committee (1986) and Legislative Director to United States Senator Strom Thurmond (1988). Additionally, Kerk was a member of the Merit Selection Panel for the Appointment of U.S. Magistrate Judges in 2009.

Kerk has a statewide practice in the Equity Courts of South Carolina and often serves as a court-appointed Special Referee in real estate matters and disputes.

AREAS OF FOCUS

- Business
- Business Litigation
- Commercial Lending and Banking Law
- Construction Litigation
- Insolvency and Creditors' Rights
- Real Estate

REPRESENTATIVE MATTERS

- Advised and represent clients in all phases of the foreclosure process in SC Equity courts.
- Served as court appointed trustees in numerous small business and farm reorganization cases in SC.
- Represented investors of distressed loans to restructure and modify the loan to the mutual agreement of the parties and return to performing status again.

RANKINGS AND RECOGNITION

- Best Lawyers in America
  - Real Estate Law (2013-2027)
  - Banking and Finance Law (2024-2027)
  - Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law (2024-2027)
- *Columbia Business Monthly* Legal Elite of the Midlands
  - Foreclosure (2023)

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- Contributor, Norton Journal of Bankruptcy Law and Practice, “Has Subchapter V Solved the Problem of Small Business Bankruptcy?” Volume 31, Number 3 (June 2022)
- Featured Speaker, “An Overview of Chapter 12,” South Carolina Bankruptcy Law Association (July 2018)
- Presenter, “Road Closing in South Carolina,” 2017 Masters-In-Equity Bench Bar, South Carolina Bar CLE, Columbia, South Carolina (October 2017)

PROFESSIONAL AND COMMUNITY INVOLVEMENT

Professional

- U.S. Bankruptcy Court, District of South Carolina
  - Advisory Committee on Local Rules and Practice
  - Chapter 12 Bankruptcy Trustee
- Fourth Circuit Judicial Conference
- Richland County Bar Association
- South Carolina Bankruptcy Law Association
- South Carolina Bar
  - Former Member, House of Delegates

Community

- South Carolina Bluegrass and Traditional Music Association
  - Board of Directors (2022)
- South Carolina Philharmonic (1997-2004)
  - President, Board of Directors (2004)
- St. Vincent de Paul Conference (a ministry to the less fortunate though food pantry and utility assistance)
  - Past President

CREDENTIALS

Bar Admissions

- South Carolina Bar

Court Admissions

- U.S. Bankruptcy Court for the District of South Carolina
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the District of South Carolina

Education

- University of South Carolina School of Law, J.D., 1985
- University of South Carolina, B.S. in Economics, 1981
  - Dean’s List
  - President’s List
- Attended Vanderbilt University, 1977-1979

RELATED INDUSTRIES

- Banking and Financial Services
- Corporate and Business
- Manufacturing and Transportation
- Real Estate