



Brett C. Herbert

PARTNER

Williamsburg

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RELATED SERVICES

- Commercial Litigation
- Real Estate
- Employment
- Construction
- Estate & Trust Litigation
- Community Associations
- Insurance

OFFICES

- Williamsburg
- Alexandria
- Richmond

OVERVIEW

Brett Herbert is a litigator who focuses his practice on estate and trust litigation, general commercial litigation, real estate litigation, employment litigation, and community association representation.

In Brett's estate litigation practice, he represents clients involved in bringing challenges to (and defending against challenges to) wills and trusts. He also handles will and trust interpretation disputes, as well as bringing claims against (and defending claims against) executors and trustees for breach of fiduciary duties. Brett also handles guardianship and conservatorship proceedings, including routine uncontested matters, as well as contested matters.

Brett represents businesses in an array of contract disputes, as well as disputes involving claims for

fraud, defamation, conspiracy, and tortious interference. Brett also represents businesses in premises liability and other tort claims.

Brett's practice also includes the arbitration and litigation of a variety of employment issues, including Title VII discrimination and retaliation claims, age discrimination and disability discrimination claims, and wage and hour claims. Brett has experience working on cases arising under Title VII, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), and the Family and Medical Leave Act (FMLA). Brett also represents clients in matters involving covenants not to compete, non-disclosure agreements, business conspiracy and trade secrets.

His real estate litigation practice consists of litigating eviction claims, title disputes, and community association disputes.

Brett advises community associations (homeowners associations and condominium associations) on their general legal matters, as well as in litigation matters involving covenant enforcement actions and collections actions.

PRESENTATIONS

Presentations

- Panelist at Virginia Association of Defense Attorneys (VADA) 2022 Spring Sections Seminar – Corporate & Commercial Litigation Section

Publications

- Author, *Deeper Into The Thicket: Navigating The Increasingly Complex And Curious World Of Virginia General District Court Civil Litigation*, The Journal of Civil Litigation, Vol. XXX, No. 3, Fall 2018
- Co-Author, *USLAW Retail Compendium of Law: Virginia, Retail, Restaurant, and Hospitality: Guide to Virginia Premises Liability*, 2017 & 2018
- Co-Author, *USLAW Commonwealth of Virginia Compendium of Law*, 2017

CREDENTIALS

Admissions

- Virginia
- United States District Court, Eastern District of Virginia
- United States Court of Appeals, Fourth Circuit

Memberships

- Virginia State Bar; Real Property Section
- Virginia Association of Defense Attorneys: former Chair and former Vice-Chair of the Corporate & Commercial Litigation Section; former Member of the Legislative Committee
- Williamsburg Bar Association
- Virginia Bar Association
- Community Associations Institute

Education

- J.D., William and Mary School of Law, 2013
 - Business Law Review
 - Public Service Certificate
 - America Reads Tutor
- B.A., Government and History, University of Virginia, 2010

Honors

- *Best Lawyers in America*® Ones to Watch distinction in Commercial Litigation, 2021-2024, Real Estate Law, 2023-2024, Trusts and Estates, 2022-2024
- Selected as a “Rising Star” in *Virginia Super Lawyers*, 2023
- Recognized as a “Top Lawyer” by *Coastal Virginia Magazine*, 2020-2025
- Recognized as a Virginia “Legal Elite” in Construction by *Virginia Business* magazine, 2024
- Recognized as a Virginia “Legal Elite” Young Lawyer by *Virginia Business* magazine, 2016