



Brett C. Herbert

PARTNER

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RICHMOND

T: 804.977.1242

BIOGRAPHY

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

Mr. Herbert 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.

In his 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. He also handles guardianship and conservatorship proceedings, including routine uncontested matters, as well as contested matters.

Mr. Herbert represents businesses in an array of contract disputes, as well as disputes involving claims for fraud, defamation, conspiracy, and

PRACTICES & INDUSTRIES

[Community Associations](#)

[Business Litigation](#)

[Estates, Trusts & Fiduciary Litigation](#)

EDUCATION

William & Mary Law School,
2013, J.D.

University of Virginia, 2010, B.A.

ADMISSIONS

Virginia

U.S. Court of Appeals: Fourth
Circuit

U.S. District Court: Eastern
District of Virginia

tortious interference. He also represents businesses in premises liability and other tort claims.

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

RECOGNITIONS

- *Best Lawyers in America*® Commercial Litigation, Litigation - Trusts and Estates (2027)
- 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
- *Virginia Business Magazine*, Civil Litigation "Legal Elite" (2024-2025)
- *Virginia Business Magazine*, Young Lawyer "Legal Elite" (2016)

MEMBERSHIPS & ACTIVITIES

- Virginia State Bar; Real Property Section, Trust and Estates 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
- Richmond Bar Association
- Community Associations Institute
 - Central Virginia Chapter
 - Member of the Membership Committee
 - Southeastern Virginia Chapter

INSIGHTS

Co-Presenter, "The AI Tightrope: Innovation, Ethics, and Human Judgment," Knowledge Development Day, for Central Virginia Chapter-CAI, September 28, 2026

Presenter, "Designing the Guardrails: Ethical, Legal, and Human Leadership in the Age of AI," for WMCCAI Virginia Leadership Retreat, July 2026

Co-Presenter, "Chat HOA: The Impact of AI on the CIC Industry," for the Washington Metro Chapter of the Community Association Institute, February 2026

Co-Speaker: "Working with a Divided Board of Directors," for EIJ Real Estate, January 23, 2026

Co-Presenter, roundtable discussion, *Responding to AI Generated Owner Requests and Communications*, for the Southwestern Virginia Chapter-CAI annual meeting, on January 23, 2026

Co-author, *Virginia Legislative Updates for Trust and Estates: 2025*, for the Virginia State Bar Trusts and Estates Newsletter, Winter 2026

Co-Author, *Community Association Management Transitions in Virginia: Potential Legal Hazards and Best Practices for a Smooth(er) Handoff*, in CVC-CAI's Consensus News Journal, Winter 2025

Co-Presenter, *CICB Virginia Law Training*, for Southeastern Virginia Chapter-CAI, on October 29, 2025

Co-Presenter, *EV Charging in Virginia Common Interest Communities*, for Southwestern Virginia Chapter-CAI, September 2025

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

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

Author, *Why and When Do Associations Need Legal Counsel*, Southeastern Virginia Chapter-CAI Currents Magazine, Q1 2022.