harman claytor corrigan wellman
THE CIVIL LITIGATION FIRM

Ronald P. Herbert

Partner | Richmond

Direct Dial | 804.622.1151
Cell | 804.244.1641
rherbert@hccw.com



Ron Herbert focuses his practice on products liability, mass tort, and medical malpractice defense. He has extensive trial and appellate experience, handling numerous complex litigation matters including high-exposure product liability and medical malpractice, catastrophic injury, and wrongful death claims.

Ron has obtained 33 defense verdicts in 15 separate jurisdictions in Virginia. He has successfully defended high-exposure wrongful death cases involving brain and cardiac surgery; hematologic and rheumatologic conditions; permanent disability claims involving obstetrical, gynecological, spinal, orthopedic, and ophthalmic surgery; and surgeries involving retained objects.

Ron's product liability experience is extensive, having handled multiple wrongful death and severe injury claims for a variety of manufacturers. He has successfully defended manufacturers and related entities in cases involving automobiles, planes, recreational products, medical devices, and toys.

In the mass tort arena, Ron has served as local Virginia counsel for various DePuy Orthopedics entities in the ASR hip litigation. He assumed a primary role defending physicians for a consortium of medical malpractice carriers in the Fen Phen MDL litigation. Ron also assisted in the defense of a major distributor in the Latex MDL litigation. He also defends retailers, distributors, insurance carriers, and manufacturing concerns in contract disputes, risk-management issues, first- and third-party actions, discovery disputes, and declaratory judgment actions.

Earlier in his career, Ron taught as an Adjunct Professor at the University of Richmond (1989-1993) and served as a Law Clerk for the Supreme Court of Virginia (1988–1989).

Assistant: Katrin Hale-Rogers
804.622.1133, khale-rogers@hccw.com

Paralegal: Nancy Roark
804.622.1127, nroark@hccw.com

Professional Activities & Honors

- Virginia Association of Defense Attorneys
  - Policy Coverage Section
    - Past Chairman
- Defense Research Institute
- Best Lawyers in America (2009 – 2027)
  - Medical Malpractice Law – Defendants
  - Personal Injury Litigation – Defendants

- Virginia Super Lawyers (2011 – 2026)
    - Personal Injury – Medical Malpractice: Defense
- America's Top 100 High Stakes Litigators® (2018)
- *Virginia Lawyer's Weekly*
    - 2023 "Go To Lawyer" for Medical Malpractice Defense
    - "Top Ten Defense Verdicts" (recognized as lead counsel or co-counsel seven times since 2002)
- West's *Verdicts, Settlements and Tactics*, a personal injury litigation reporter, four nationally recognized verdicts
- *Journal of Civil Litigation*, Editorial Board

Representative Experience

- Defense verdict for an emergency room physician (and his group) who responded to a Code Blue of a post-operative patient on the general surgery floor. The patient sustained pulseless electrical activity arrest with emesis and aspiration. Plaintiff claimed the standard of care required immediate intubation upon the physician's arrival to the Code Blue and failure to do so caused the patient to sustain an anoxic brain injury and subsequent death. Defendants' experts testified the applicable ALCS protocols were used and the timing of the intubation was reasonable in light of the extensive vomiting and the clinical conditions present. (Petersburg)
- Defense verdict for a general surgeon in a case involving a cut ureter that was identified post-surgery. The injury was shown to be the result of a thermal injury during surgery. The jury returned the defense verdict in 16 minutes. (Virginia Beach)
- Defense verdict for an orthopedic surgeon in a multi-defendant case. The case involved the alleged failure to treat a thoracic spinal fracture that was originally deemed to be a stable fracture but subsequently developed into a burst fracture requiring extensive multi-level fusion surgery. (Roanoke – Federal Court)
- Defense verdict for a radiologist who allegedly missed a pars defects spinal fracture in a 12-year male. A subsequent film done six months later showed the fracture in the same location as the original film. Plaintiff claimed the spinal fusion procedure that was ultimately performed would not have been necessary if the original film had been correctly read. (Chesterfield County)
- Defense verdict for a general surgeon in a matter in which a catheter remnant was left in the patient during a VP shunt replacement. The shunt migrated to and tore a hole in the patient's colon, resulting in three ventral hernia repairs and abdominoplasty. (Norfolk)
- Defense verdict for a gastroenterologist in a matter involving the perforated esophagus of a 71-year-old woman during an attempted removal of obstruction with a rigid scope. The perforation resulted in an open surgical repair, a 66-day hospital stay, and $600,000 in medical expenses. (Northampton County)
- Defense verdict for a neurosurgeon in a matter in which the plaintiff, a White House Secret Service Agent, claimed the surgeon placed a screw too far through the fractured odontoid peg and vertebrae in the patient's spine, and the screw was pressing on the spinal column. The subsequent treating neurosurgeon who performed the repair testified as the plaintiff's expert. (Norfolk)
- Defense verdict for a neurosurgeon in a matter involving an alleged failure to diagnose ventricular enlargement and hydrocephalus, resulting in brain herniation and ultimately the death of a 38-year-old patient. (Fairfax County)
- Defense verdict for a gynecologic surgeon in a matter alleging failure to remove both ovaries during a planned surgery. Only one of the ovaries was removed, and a cyst subsequently developed on the unremoved second ovary, which resulted in another surgery. (Fairfax County)
- Defense verdict in an ophthalmology case alleging failure to diagnose and treat glaucoma in a child who was under the defendant's care from birth to age 2. The glaucoma caused legal blindness. The plaintiff's experts were the child's treating ophthalmologists from Johns Hopkins. (Fredericksburg)
- Defense verdict in a wrongful death case involving a family practitioner who allegedly failed to assess and treat a complaint of chest pain. The patient died of an MI two days later. (Williamsburg)
- Defense verdict in which a podiatrist allegedly removed too much of a bone spur on the patient's heel, resulting in the Achilles tendon separating from the bone. (Roanoke)
- Nonsuit before closing in a matter in which a 2-week-old infant died within 24 hours of being released from the emergency room. The plaintiff alleged failure to diagnose a urethra defect and distended bladder, which ultimately caused sepsis and death. Case was resolved for a nominal amount prior to retrial as a result of the prior nonsuit. (Fairfax County)
- Defense verdict in a matter involving the death of a 47-year-old from diabetic coma seven hours after being evaluated by a family practitioner. (Richmond)
- Defense verdict in a matter in which the plaintiff claimed a 69-year-old man died of liver failure from alleged toxicity from Crestor. The defendant did not order liver function testing as recommended by the Crestor package insert. (Chesapeake)
- Defense verdict in a matter alleging failure to treat a postoperative knee infection that resulted in knee replacement. (Virginia Beach)
- Defense verdict for an orthopedic surgeon in a multidefendant case in a matter in which a 73-year-old patient vomited and aspirated during anesthesia for a femur fracture repair. The patient was intubated and died three months later from ARDS. The plaintiff alleged the orthopedic surgeon did not advise the anesthesiologist of potential GI bleed symptoms. The claim was for $2 million in medical expenses. (Richmond)
- Defense verdict for a hematologist in a wrongful death claim for alleged failure to properly identify and treat sickle cell disease. (Norfolk)

- Defense verdict for a hospitalist who allegedly failed to properly treat a patient's post-operative hypotension resulting in spinal paralysis. (Newport News)
- Defense verdict for a nurse practitioner in a wrongful death case who was alleged to have failed to properly treat a patient's acute renal failure resulting in his death. (Virginia Beach)
- Defense verdict for an orthopedic surgeon who cut the patient's popliteal artery with a saw while removing the tibia in a total knee replacement surgery resulting in emergent vascular surgery repair. (Richmond)
- Defense verdict for an orthopedic surgeon who lacerated the patient's aorta during a minimally invasive spinal fusion procedure when the vertebrae broke resulting in the patient coding and needing to be resuscitated on the operating table. (Richmond)
- Defense verdict for a physical therapy assistant whose patient fell while performing physical therapy for a total hip replacement and sustained a fracture requiring revision surgery. (Richmond)
- Defense verdict in favor of a plastic surgeon in a suit involving postop urinary retention following an abdominoplasty and liposuction in a 50-year-old woman. (Henrico)
- Defense verdict in favor of an orthopedic surgeon involving a tri-malleolar ankle fracture repair in a 42 year old mentally disabled woman. (Fredericksburg)
- Defense verdict in a wrongful death case from allegedly undiagnosed and treated C difficile infection. (Norfolk)
- Defense verdict for an orthopedic surgeon and orthopedic PA in a wrongful death claim for post-operative management of hematoma that developed in the patient's neck following a two-level ACDF surgery. (Newport News)

The cases referenced above do not represent the lawyer's entire record. Each case must be evaluated on its own facts. The outcome of a particular case cannot be based on past results.

Education

- University of Virginia, B.A. (1985)
- University of Richmond School of Law, J.D. (1988)

Bar & Court Admissions

- Virginia State Bar
- United States District Court for the Eastern District of Virginia
- United States District Court for the Western District of Virginia
- United States Court of Appeals for the Fourth Circuit