



## Heather H. Whitehead

Partner

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Heather H. Whitehead is a partner in the Newport Beach office. She specializes in helping clients develop practical strategies for addressing business risks facing the real estate and construction industries. This is most often accomplished by the negotiating and drafting of contract documents, construction and real estate agreements as well as providing guidance on insurance programs and other risk management strategies. Her practice area encompasses commercial, retail, industrial, mixed-use, multi-family and residential projects.

### **Business and Real Estate Transactions**

Ms. Whitehead frequently acts as outside general counsel to builders, developers and other businesses. Her understanding of underlying business and operational considerations allows her to provide efficient guidance to clients. She advises clients on acquisition, financing, land development, construction, sales and project closeout matters, including purchase and sale agreements, leases, construction contracts, CC&Rs and other project governance documents, disclosures, SB800/Title 7 compliance documents and a variety of other construction-related documents as well as advising on operational risk management matters.

### **Risk Management**

Prior to becoming an attorney, Ms. Whitehead served as the Director of Risk Management for a large urban infill homebuilder, where she gained valuable practical expertise and insight with respect to insurance coverage, risk management and construction issues facing builders and developers. Utilizing her background in this area, Ms. Whitehead's legal practice includes:

- Analyzing and structuring insurance coverage for client's real estate needs, including owner-controlled (OCIP) and wrap-up insurance programs, builders' risk, property and other coverages;
- Drafting insurance requirements, disclosures, and other documentation for project-specific and master insurance programs;

- Reviewing and analyzing additional insured and other policy endorsements for compliance considerations; and
- Negotiating and drafting contractual risk transfer provisions for inclusion in subcontracts, consulting agreements, master construction agreement forms and other construction and real estate agreements.

### **Privacy & Data Security practice**

Utilizing her risk management background, Heather specializes in developing risk management policies and procedures, drafting contracts and preparing other documentation for compliance with the CCPA and other privacy requirements. She also reviews cyber insurance policies, amongst other policy forms, to address privacy claims and negotiates and drafts insurance requirements and contractual risk transfer provisions for inclusion in contract documents to manage these considerations.

### **Services**

- Business Transactions
- California Consumer Privacy Act
- Coverage & Bad Faith Litigation
- Privacy & Data Security
- Real Estate Transactions
- Risk Avoidance, Transfer & Management

### **Professional Affiliations**

- State Bar of California
- Orange County Bar Association
- American Bar Association

### **Admissions**

- California
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California

### **Education**

- Loyola Law School, Los Angeles(J.D., 2005)
- Pepperdine University(M.B.A., 2001)
- University of Southern California(B.S., 1997)

## **Matters**

### **Transactional Experience**

Represented a large investment fund operating retail and retail-driven mixed-use properties on the West Coast in connection with retail leasing matters as well as represented a private residential dev

### **Risk Management Counsel**

Acted as risk management counsel for a national residential developer in connection with comprehensive updates to master construction agreements and related insurance documentation for applicable OCIP

### **California Apartment Project Coverage**

Acted as insurance coverage and risk management counsel including procurement of various consolidated insurance programs, and contractual implementation of the same, covering multiple apartment unit p

## **Publications**

Published Article

### **New European Guidance on Moving Personal Data from the E.U. to the U.S.**

Published Article

### **Can Your Small Business Afford to Risk the Imminent Threat of a Cyber Incident**

Published Article

### **State Senate Sets Controversial Amendment of Consumer Privacy Law Aside for Now, But Penalties Remain**

Published Article

### **Consumer Privacy Law is Being Changed Again, Why These Seemingly Minor Revisions May Benefit Businesses' Efforts with Compliance**

Published Article

### **Potential Delayed Enforcement of the CCPA in Light of the Coronavirus**

Published Article

**Cyber Risks Associated with a Remote Workforce**

Published Article

**California Attorney General Declines to Delay Enforcement of the CCPA**

Published Article

**The Coronavirus, Zoom Meetings and Now a CCPA Class Action**

Published Article

**Everyone's Working From Home Due to the Coronavirus – Is There Insurance Coverage for a Data Breach?**

Published Article

**Online Meetings & Privacy in Today's WFH Environment**

Published Article

**There's an (Almost) App for That: Coronavirus Contact Tracing with Privacy at the Core**

Published Article

**Social Engineering Scams Are On the Rise – Do I Have Insurance Coverage for That?**

Published Article

**New California Privacy Rights Act Appears Headed for the November 2020 Ballot**

Published Article

**Safety Guidance for the Prevention of the Coronavirus on Construction Sites**

Published Article

**The Coronavirus Pandemic Creates Increased Demand for Cyber Liability Insurance**

Published Article

**California Attorney General Submits Final CCPA Regulations**

Published Article

**Website Accessibility Under the California Consumer Privacy Act**

Published Article

**CCPA Regulations Now Incorporate Accessibility Requirements**

Published Article

**Your Out of State Website May Now Be Subject to California Accessibility Requirements**

Published Article

**California Attorney General Further Modifies the CCPA and California Privacy Rights Act Appears Likely to Pass this November**

Published Article

**The Pandemic, Proposed Federal Privacy Regulation and the CCPA**

Published Article

**The California Privacy Rights Act Passed – Now What?**

Published Article

**The Privacy Shield Is Gone: How Do I Now Move Data from the EU to the US**

Published Article

**Accessibility Considerations – What Your Company Should Be Aware of in 2021**

## **Events**

When: Jan 23, 2020

**ND 2020 Annual Seminar**

When: Jan 17, 2019

**Newmeyer Dillion's 2019 Builder Update**

Location: The Pacific Club

When: Feb 14, 2018

**Newmeyer Dillion's 2018 Builder Update**

Location: The Pacific Club