



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)

Successes

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 projects throughout California.

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 insurance programs, including evaluating and addressing contract administration considerations.

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 developer in connection with the development and sale of a multi-phased master-planned community in Orange County, California.

Publications

July 30, 2021

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

April 29, 2021

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

February 5, 2021

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

November 4, 2020

The California Privacy Rights Act Passed – Now What?

October 29, 2020

The Pandemic, Proposed Federal Privacy Regulation and the CCPA

October 27, 2020

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

October 2, 2020

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

July 17, 2020

CCPA Regulations Now Incorporate Accessibility Requirements

July 16, 2020

Website Accessibility Under the California Consumer Privacy Act

June 4, 2020

California Attorney General Submits Final CCPA Regulations

May 28, 2020

The Coronavirus Pandemic Creates Increased Demand for Cyber Liability Insurance

May 14, 2020

Safety Guidance for the Prevention of the Coronavirus on Construction Sites

May 7, 2020

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

April 24, 2020

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

April 21, 2020

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

April 16, 2020

Online Meetings & Privacy in Today's WFH Environment

April 13, 2020

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

April 2, 2020

The Coronavirus, Zoom Meetings and Now a CCPA Class Action

March 26, 2020

Cyber Risks Associated with a Remote Workforce

March 26, 2020

California Attorney General Declines to Delay Enforcement of the CCPA

March 23, 2020

Potential Delayed Enforcement of the CCPA in Light of the Coronavirus

September 26, 2019

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

June 11, 2019

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

November 2, 2018

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