



Heather H. Whitehead

Partner

heather.whitehead@ndlf.com

Newport Beach, CA : 949-271-7223

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 California's CCPA and CPRA as well as other privacy requirements. This includes managing privacy requirements and the sharing of personal information in contracts with contractors, service providers, and other third parties. 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. She is familiar with privacy guidelines in place for data transfers with the European Union countries, including the use of standard contractual clauses.

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

Safety Guidance for the Prevention of the Coronavirus on Construction Sites

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

