



→ Whitney Hodges

Partner

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Whitney Hodges is a partner in the Real Estate, Land Use and Natural Resources Practice Group in the firm's San Diego office. She is the leader of the firm's Cannabis Industry Team and serves on the firm's Pro Bono, Recruiting and Diversity & Inclusion committees, as well as numerous industry specific teams.

Areas of Practice

Whitney's practice focuses on the representation of clients involved in real estate development. She advises and represents major residential, industrial, commercial and mixed-use development projects, as well as Native American Indian tribes and renewable energy developers through all phases of the land use regulatory process and environmental compliance. Her land use experience includes real estate due diligence investigations, negotiating and drafting development agreements, processing land use entitlements, advising tribal governments on environmental and natural resources law, and appearing before governmental agencies and commissions. She also represents developers and management in traditional labor law issues, including union negotiations. Whitney also advises cannabis companies and ancillary businesses on state and local regulatory compliance and real estate transactions.

Real Estate Development

Real estate development has grown increasingly complex and controversial requiring knowledge of applicable federal, state and local laws, as well as the ability to work with a wide range of diverse interests including governmental agency staff, elected officials, landowners, environmental organizations and citizen groups. Whitney's ability to work with such diverse interests to develop creative, practical and economical solutions is demonstrated by her involvement in the successful approval and permitting of multiple residential, commercial, industrial and mix-used developments during the past several years. Current projects include redevelopment, infill and mixed-use developments throughout southern California, including San Diego, Los Angeles and Riverside counties.

Environmental Compliance

Whitney has assisted public and private sector clients in obtaining permits and approvals from various federal agencies, and has successfully guided clients through the maze of federal, state and local environmental clearances necessary for development including the requirements of the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), California Fish and Game Code, Subdivision Map Act, California Community Redevelopment Law (including associated dissolution legislation and successor statutes), California Coastal Act, Clean Water Act, Endangered Species Act, California Superfund Law, Tribal-State Compacts, and Multiple Species Conservation Programs (MSCP).

Whitney also has significant experience in working closely with clients and consultants on due diligence review of land use issues, which includes local zoning ordinances, general plans, redevelopment agency plans, and related land use restrictions. Her working knowledge of environmental constraints and the development process proves invaluable when investigating the potential purchase of real estate and the subsequent preparation of acquisition documents.

Litigation

An experienced litigator, Whitney has handled actions involving development disputes, environmental compliance, real estate transactions, and union disputes. She has represented developers in complex civil litigation and defended challenges to development approvals.

Whitney serves as general counsel for the San Diego Humane Society and is on the Board of Directors for YWCA. Whitney is a registered lobbyist with the City of San Diego, the County of San Diego, San Diego Regional Airport Authority, the San Diego Port Authority and the City of Los Angeles. Additionally, Whitney also is a committed pro bono attorney and, in 2016, she was honored with the firm's Bob Gerber Pro Bono Attorney of the Year Award in recognition of her commitment to volunteering legal services to those in need.

Honors

Cannabis Trailblazer, *The National Law Journal*, 2020
Leaders in Law Finalist, *San Diego Business Journal* 2019
Tribute to Women & Industry Honoree, YWCA 2019
Continental Pinnacle Professional Who's Who, 2018
Sheppard Mullin's Bob Williams Award, 2018
Top 40 Business Leaders Under 40, *San Diego Business Journal*, 2018
Sheppard Mullin's Bob Gerber Pro Bono Attorney of the Year Award, 2016
LEAD San Diego Impact Class of 2017 Graduate
Herbert G. Klein Memorial Leadership Award Finalist

Articles

- Representing Cannabis Operators
San Diego Lawyer, November/December 2019 issue
- The #MeToo Movement as an Effective Opportunity for Effective Mentorship
San Diego Lawyer, November/December 2019 issue
- Cannabis Regulation Is the New Frontier in Real Estate and Land Use Control
California Real Property Journal, 01.2019
- Ninth Circuit Holds National Park Service Has the Authority to Regulate Navigable Waters in Alaska's National Parks and Prohibit the Use of Hovercraft (Again)
Case Law Highlights: Mountain/West Coast
American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter, 04.2018

- Ninth Circuit Weighs In On Circuit Split Regarding CERCLA Contribution Claims After Settlement and The Statute of Limitation
Case Law Highlights: Mountain/West Coast
American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter, 12.2017
- Tenth Circuit Takes Expansive View of the Definition of the Term “Mining,” Holding Wind Farm Project Needs Permit Prior to Commencement of Excavation in Tribal Mineral Estate
Case Law Highlights: Mountain/West Coast
American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter, 12.2017
- Tenth Circuit Holds Bureau of Land Management Improperly Relied On Unsupported and Irrational Assumption in Analyzing Environmental Impacts of Coal Mining Leases
Case Law Highlights: Mountain/West Coast
American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter, 12.2017
- Ninth Circuit Vacates Condition Registration for Nanosilver-containing Pesticide Due to Lack of Evidence That Its Use is in the Public Interest
Case Law Highlights: Mountain/West Coast
American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter, 08.2017
- Ninth Circuit Affirms Forest Service’s Authority to “Choose Jobs Over Wolves”
Case Law Highlights: Mountain/West Coast
American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter, 08.2017
- Oklahoma Court Dismisses Fracking Earthquake Case Due to Court’s Lack of Scientific Expertise
Case Law Highlights: Mountain/West Coast
American Bar Association: Environmental Litigation and Toxic Torts Committee Newsletter, 08.2017
- Mind Your Attorney’s Fees In Calif. CEQA Litigation
Law360, 05.11.2015

Cannabis Law Blog Posts

- “Green Wave: The Latest Election Cycle Brings Hope for Standardized Cannabis Legalization,” November 17, 2020
- “County Zoning Ordinance Cannot be Used to Justify Cannabis Plant Seizure,” August 17, 2020
- “Long-Awaited Trial in Cannabis Delivery Litigation is Again Postponed Until November,” August 17, 2020
- “Final Revisions to NEPA Regulations: Six Highlights from Major Rule Overhaul,” July 29, 2020
- “COVID-19’s Continued Impacts on Cannabis Operators,” July 9, 2020
- “DEA Deschedules Cannabinol-Containing Epidiolex,” April 10, 2020
- “Continued Cannabis Operation Deemed “Essential” In Many COVID-19 Stay-at-Home Orders,” March 25, 2020
- “Quarantine and Chill: Will COVID-19 Impact the Cannabis Industry”, March 19, 2020
- “Tenant Protection Act of 2019 May Have Unintended Consequences in the Cannabis Space,” December 4, 2019
- “In a Historic Move, House Judiciary Committee Moves to Federally Legalize Cannabis,” November 21, 2019

Real Estate, Land Use and Environmental Law Blog Posts

- "California Enacts New Legislation to Combat Growing Housing Crisis, But Not Without Controversy," September 20, 2021
- "Mandate to Provide Traffic Improvements Prior to Project Approval Struck Down," July 9, 2021
- "Regional Stay at Home Order Implemented in California," December 7, 2020
- "California Voters Reject Ballot Measures Related to Rent Control and Property Tax," November 11, 2020
- "Residential Eviction Protections and California Consumer Financial Protections Pass Muster During 2020 Legislative Session," September 29, 2020
- "California Supreme Courts Holds Categorical Classification of Well Permits As Exclusively "Ministerial" Does Not Hold Water," September 4, 2020
- "The Pandemic's Impacts on Developers and Contractors May Call for Seldom-Used Relief: An Overview of the Principles of Force Majeure, Impracticability, and Frustration of Purpose," September 1, 2020
- "Digital CEQA: New Executive Order Creates An Alternative Path For Complying With CEQA Notice, Posting And Public Review Requirements," April 27, 2020
- "San Diego Responds to COVID-19 with Local Programs to Protect the Health of both Citizens and Businesses," April 3, 2020
- "Court of Appeal Rules HERO Cannot Save Previously Vacated Rental Units," August 19, 2019
- "Sustainable Communities Environmental Assessment Upheld Under CEQA," August 5, 2019
- "CDP Applicant May Not Challenge Local Agency's CEQA Decision on Coastal Development Permit While CDP Appeal to Coastal Commission Is Pending," March 13, 2019
- "Cannabis Regulation is the New Frontier in Real Estate and Land Use Control," January 25, 2019
- "Five Years in the Making: California is One Step Closer to a Comprehensive Update to the CEQA Guidelines," January 7, 2019
- "Prop 65 Victory For Defendants – Defendants Are Entitled To Have Their Cases Heard In the County Where the Claim Arose," January 8, 2018
- "Faceoff with Federal Government Possibly Looming Following California Supreme Court CEQA Ruling; Cal High Speed Rail Project Also Vulnerable," August 22, 2017
- "Climate Change Gets Fashionable: The Fashion Industry Embraces The President's Climate Change Initiative," December 22, 2015
- "Abuse of Discretion Not Shown By Court's Failure To "Show Its Arithmetic" in Significantly Reducing Claimed Attorney Fees in CEQA Litigation," April 22, 2015
- "Tribe's Gamble That Casino Land Transfer Approval Not Subject to CEQA Pays Off," October 2, 2014
- "California Passes Landmark Green Chemical Laws," October 3, 2013
- "Parties Must Exhaust Administrative Remedies Before Challenging Even A CEQA Exemption," June 28, 2012
- "California Adopts Revolutionary New Clean Car Standards," February 10, 2012
- "Final Decision Suspends California's AB 32 GHG Regulations: What Now?," April 11, 2011

Fashion and Apparel Law Blog

- "Climate Change Gets Fashionable: The Fashion Industry Embraces The President's Climate Change Initiative," December 22, 2015

Climate Change & Clean Technology Law Blog Posts

- "Supreme Court Grants Limited Review of GHG Emissions Regulations," November 5, 2013
- "What Will It Cost for California to Save the World? California Conducts its First Greenhouse Gas Cap-and-Trade Auction," December 5, 2012
- "ARB Initiates The Development Process For A Potentially Controversial Agricultural Equipment Regulation," September 26, 2012
- "California Appellate Court Greenlights Air Resources Board's Cap-And-Trade Program," June 26, 2012
- "California Adopts Revolutionary New Clean Car Standards," February 10, 2012
- "California AB 32's Cap-And-Trade Program Developments," October 5, 2011
- "June Proves To Be A Busy Month For ARB And Its Proposed Cap-and-Trade Program," July 6, 2011
- "Superior Court's Injunction Preventing California's Cap and Trade Program Has Been Stayed...Right?," June 10, 2011
- "California Court Issues Tentative Ruling Enjoining AB 32 Implementation," February 4, 2011

Latin American Blog Posts

- "Taking a Cue From Brazil's Sustainable Development Practices Past and Present," December 14, 2011
- "United States Increases Entertainment Exports to Latin American Markets," December 1, 2011

Media Mentions

Sheppard Mullin Latest Firm To Court Cannabis Business
Law360, 06.06.2019

Sheppard Mullin Bets on Cannabis With New 70-Lawyer Practice Group
Practice leader Whitney Hodges said the firm, with 40 cannabis clients already, is taking a "boots-on-the-ground" approach.
The American Lawyer, 06.05.2019

Sheppard Mullin Latest Big Law Firm to Launch Cannabis Practice
Bloomberg law, 06.04.2019

Speaking Engagements

Panelist, YLR: The Laws Governing the Business of Cannabis, September 2, 2020

Panelist, San Diego Regional Chamber of Commerce/LEDA Impact Program, 2019

Society of Certified Appraiser's 2019 Fall Appraisal Conference

Society of Certified Appraisers Fall Appraisal Conference, Fall 2019/Spring 2020

Events

Cannabis Webinar Wednesday – 50 State Survey and Legislative Updates
Webinar, 01.27.2021

Cannabis Webinar Wednesday - Breaking Down COVID-19's Impacts on the Cannabis Industry
Webinar, 04.22.2020

Cannabis Webinar Wednesday: 50 State Survey and Legislative Updates
01.15.2020

Green Guide to Cannabis Legal & Banking
C3 Risk & Insurance Services, San Diego, CA, 08.28.2019

Cannabis Webinar Wednesday: Cannabis Regulation Is the New Frontier in Real Estate and Land Use Control
08.21.2019

Memberships

Member, American Law Society

Committee Member, Commercial Real Estate Women (CREW)

Committee Member, Lawyers Club

Member, National Association of Industrial and Office Properties (NAIOP)

Member, National Cannabis Industry Association (NCIA) State Regulations Committee

Founder and Chairperson, San Diego Humane Society Young Professionals Committee

Member, Junior League

Podcasts & Webinars

Cannabis Webinar Wednesday – 50 State Survey and Legislative Updates
01.27.2021

Nota Bene Episode 73: "Quarantine and Chill": Will COVID-19 Impact the Cannabis Industry? with Whitney
Hodges
03.18.2020

Cannabis Webinar Wednesday: Cannabis 2019 Year In Review
01.15.2020

Cannabis Webinar Wednesday: Cannabis Regulation Is the New Frontier in Real Estate and Land Use Control
08.21.2019

Practices

Real Estate and Land Use

Environmental

Litigation

CEQA Documentation and Defense
Historic Preservation
Land Use Litigation
Wetlands and Endangered Species

Industries

Cannabis
Energy, Infrastructure and Project Finance
Life Sciences
Multifamily Housing
Nonprofit
REIT

Education

J.D., University of Southern California, 2010, President; *Phi Alpha Delta Law Society*; Advocacy Vice Chair and Competitor, *Hale Moot Court Honors Program*

B.A., University of Southern California, 2007, *with honors*

Clerkships

Extern to the Honorable Roy L. Paul, California Superior Court, Los Angeles, California

Admissions

California
U.S. District Court for the Southern District