



Rachel Gillette

Partner

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A leading cannabis-focused lawyer, Rachel helps clients nationwide proactively plan and implement strategies to capitalize on strategic business opportunities.

PRACTICES

Federal Income Taxation
Tax Controversy and Litigation
Corporate
Tax
International Services
Cross-Border Solutions

INDUSTRIES

Cannabis and Psychedelics
Food, Beverage, and Consumer
Products
Pet Care

EDUCATION

Quinnipiac University, J.D., 2007
University of Colorado at Boulder, B.A.,
2004

BAR ADMISSIONS

Connecticut
Colorado

COURT ADMISSIONS

U.S. District Court, District of Colorado
U.S. Tax Court
U.S. Court of Appeals for the Ninth
Circuit

At the vanguard of the marijuana industry, Rachel leverages more than a decade of experience guiding clients to establish, expand, and protect profitable businesses in a rapidly-evolving legal, regulatory, and financial environment.

From years of interacting with regulators and taxing authorities Rachel knows how state and local provisions will be applied in practice and what clients can anticipate at every step of the licensing process and beyond. She vigorously protects clients' interests in tax audits and deficiency assessments at the state and local level, as well as IRC §280E adjustments.

Clients value Rachel's ability to distill complex, often overwhelming information, into a prioritized plan of action. As a strategic advisor, she helps clients prepare and get positioned to seize opportunities, like starting operations in newly legalized states, scale businesses into multiple jurisdictions, or launch new brands and products.

Rachel's clients range from individual entrepreneurs and investors, to start-ups to publicly traded companies with operations in one or multiple states in cannabis and cannabis-adjacent businesses. Domestic and international entities exploring cannabis business opportunities turn to Rachel for pragmatic, industry-savvy counsel as they evaluate potential options. Rachel also serves as an expert witness on legal and regulatory issues involving hemp, marijuana, CBD, and other cannabinoids.

Before she joined Holland & Hart, Rachel was a partner at Greenspoon Marder, serving as Chair of the firm's Cannabis Law practice and as a member of the Management Committee.

PUBLICATIONS

"DEA Agrees to Reclassify Cannabis, But Many Questions Remain," *Cannabis Law Update*, April 30, 2024

"Opinion: Is Trulieve's refund claim the cannabis industry's way out of 280E?," *MJBizDaily*, February 9, 2024

"Cannabis Remains an 'Industry Interrupted' Without Federal Change,"

Reuters Westlaw Today, December 20, 2023

"Mitigating Risk: Should Cannabis Businesses Withdraw ERC Claims?," *Holland & Hart Cannabis Legal Update*, November 2, 2023

"Why Bankruptcy Is A Budding Alternative For Cannabis Cos.," *Law360*, October 12, 2023

"Is Reclassifying Marijuana as a Schedule III Drug the Right Move?," *Holland & Hart Legal Update*, August 30, 2023

"Demystifying the Dormant Commerce Clause's Considerations for Cannabis," *Reuters Westlaw Today*, August 2, 2023

"Publicly Traded Cannabis Companies: To Be or Not To Be?," *Holland & Hart Client Alert*, July 12, 2023

"An Ounce of Prevention Can Stop Financial Distress," *mg Magazine*, April 6, 2023

"Colorado's Proposition 122: Too soon for the mushroom boom?," *Thomson Reuters Westlaw Today*, March 13, 2023

"Finally, Good News from the IRS: Cannabis Operators Could Be Eligible for the Qualified Business Income Deduction," *Holland & Hart Client Alert*, February 15, 2023

"Viva Las Lounges: No, You Still Can't Consume MJ Like Alcohol in Vegas," *Cannabis Business Executive*, 10/20/2022

"The Great Delta-8 Debate: Many Shades of Grey?," *Cannabis Business Executive*, June 17, 2022

"IRS Cannabis/Marijuana Initiative May Signal Increased Tax Scrutiny," *Holland & Hart News Update*, 10/01/2021

"What Colorado Cannabis Businesses Need to Know—Changes in 2022," *Holland & Hart News Update*, 08/09/2021

SPEAKING ENGAGEMENTS

"Where There's Smoke, Is There Fire? Weeding through the ethical issues confronting the cannabis practitioner," *myLawCLE: Delta-8 and other Cannabinoids, Regulated or Not, and the Impact of Cannabis (2024 Edition) [Including Ethics]*, June 26, 2024

"Ask the Experts: What's Having a Cannabis Practice Really Like?," *AICPA Cannabis Conference*, August 15, 2023

"INDIEConvo: Weed: A Growing Topic in Hospitality & Travel," *Moderator, INDIEConfab*, April 27, 2023

"Avoiding Costly Taxation Pitfalls," *Panelist, Cannabis Industry Conference*, 11/08/2022

"Why is the IRS Targeting Cannabis Businesses with 280E Audits? What Cannabis Operators Need to Know to Prepare," 07/14/2022

"The Next Generation of Cannabis Tax Issues: Lessons from the Front Lines," *Cannalaw Summit*, May 3, 2022

"How to Hash it Out with the IRS," *Cannabis Higher Learning: Your Legal Roadmap*, April 19, 2022

"Cannabis Law," *W420 Radio Network*, 04/20/2021

"Weeding Between the Ethical Lines: Cannabis and Conflicts," *West LegalEdCenter*, 02/10/2021

"Get in the Game: Business Opportunities in Cannabis," *Sports, Money & Meds Virtual Conference*, 10/08/2020

"Audit, Tax & Accounting for Cannabis," 07/16/2020

"Elevate Your Grind," *Cannabis LAB Webinar*, 06/30/2020

"The Changing Landscape of Cannabis & CBD: How it May Affect Your Business," *Convenience Distribution Marketplace*, 02/26/2020

"The Cannabis Industry: Taxes, IRS Audits and Sec. 280E," *AICPA Webcast*, 01/27/2020

"Accounting For Cannabis And The IRS," *CLAB's 4th Annual Cannabis Law and Business Conference*, 10/28/2019

"Moving the Needle at the Federal Level," *Institutional Capital & Cannabis Conference East (IC3)*, 10/21/2019

RECOGNITION

- *The Best Lawyers in America*®, Tax Law, 2022-2024
- *Chambers USA*, Nationwide Cannabis Law: Western United States, Band 1, 2019-2024
- *Cannabis Law Report*, Global Top 200 Cannabis Lawyers, 2020-2024
- *Law Week Colorado*, Barrister's Choice, Best Marijuana Law Lawyer, 2019-2020
- *Denver Business Journal*, Outstanding Women in Business, Finalist, 2019; Winner, 2021
- Greendorphin.com, 20 Most Influential Women In Cannabis, 2019
- *High Times* magazine, Women of Weed, 2018-2019
- *National Law Journal*, Cannabis Trailblazer, 2018 - 2019
- *5280 Magazine*, Top Lawyers, Marijuana Law, 2015-2019
- *Remedy Review*, Top 20 Women on the Move in Cannabis, 2018
- *mg Magazine*, Powerful Cannabis Attorney, 2018

- *Complex Magazine*, 15 of the Most Powerful Women In the Weed Industry, 2017
- NORML, Distinguished Counsel's Circle, 2016
- *Sensi Magazine*, Named One of 24 Cannabis Pioneers, May 2016
- *Cannabis Business Executive*, 100 Most Influential People in the Cannabis Industry, 2014
- Cannabis Business Awards, MVP, 2014-2015

PROFESSIONAL AND CIVIC AFFILIATIONS

- Colorado NORML, Board Member and Former Executive Director
- NORML, Legal Committee, Member
- Women Grow, Founding Member
- International Cannabis Bar Association, Founding Member
- National Cannabis Industry Association, Member
- Colorado Bar Association, Member
- University of Colorado Law School, Boulder, Adjunct Professor, Cannabis