



## Rachel Gillette

Partner

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**A leading cannabis industry 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 Transactions

### 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

Colorado  
Connecticut

### 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 fifteen years of experience guiding cannabis clients to establish, expand, and protect their business in a rapidly-evolving legal, regulatory, and economic environment. Rachel's clients range from entrepreneurs and investors to industry start-ups to publicly traded companies with operations in one or multiple states in cannabis, hemp, natural medicine, ancillary businesses, and service providers.

In an uncertain and ever-changing environment, clients value Rachel's ability to distill complex, often overwhelming information, into a prioritized plan of action or business strategy. As a strategic advisor, Rachel offers businesses critical advice to navigate complex state regulatory frameworks. She vigorously protects clients' interests in complex business matters, including corporate governance, regulatory compliance, mergers and acquisitions, tax, and litigation support. Rachel counsels companies on IRC §280E strategies as well as negotiating tax controversies and collection matters with the IRS and other state and local tax authorities.

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, tax, and regulatory issues involving hemp, marijuana, CBD, and other novel 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

"Are Republicans Friend or Foe of the State-Regulated Marijuana Industry?," *MJBizDaily*, December 13, 2024

"the buzz: Cannabis News & Policy Update | November 2024," *Cannabis and Psychedelics Monthly Newsletter*, November 2024

"the buzz: Cannabis News & Policy Update | October 2024," *Cannabis and Psychedelics Monthly Newsletter*, October 2024

"the buzz: Cannabis News & Policy Update | September 2024," *Cannabis*

*and Psychedelics Monthly Newsletter, September 2024*

"the buzz: Cannabis News & Policy Update | August 2024," *Cannabis and Psychedelics Monthly Newsletter, August 2024*

"the buzz: Cannabis News & Policy Update | July 2024," *Cannabis and Psychedelics Monthly Newsletter, July 2024*

"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

"Industry Insights Forum: Exploring Emerging Trends and Challenges,"  
*AICPA & CIMA Cannabis Industry Conference*, August 12, 2024

"Keynote - Navigating the Impacts of Cannabis Rescheduling," *AICPA & CIMA Cannabis Industry Conference*, August 12, 2024

"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 Me Anything: Practical Answers to Your Questions," *MJBizCon*, November 28, 2023

"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

## RECOGNITION

- *The Best Lawyers in America*®, Tax Law, 2022-2025

- *Chambers USA*, Nationwide Cannabis Law: Western United States, Band 1, 2019-2024
- *Cannabis Law Report*, Global Top 200 Cannabis Lawyers, 2020-2025
- *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