

David F.E. Banks

PARTNER

Dave is a partner with Cades Schutte LLP. He is the Chair of the Corporate Department, as well as the Chair of the Employment Law and Labor Relations Practice Group and the Corporate and Business Law Practice Group.

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Overview

Dave is a partner with Cades Schutte LLP. He is the Chair of the Corporate Department, as well as the Chair of the Employment Law and Labor Relations Practice Group and the Corporate and Business Law Practice Group.

With a client base that includes hotel owners, hotel managers, and interval ownership programs; a large professional employer organization, regional healthcare organizations, national restaurant chains, and local restaurants; construction companies and contractors, a cogeneration facility, national and local retailers, technology product and service providers, venture capital firms, and investment advisors, Dave is one of the most sought after attorneys in the state of Hawai'i.

His corporate practice includes mergers and acquisitions, corporate finance, and securities law compliance, while his employment law practice focuses on counseling clients in matters related to strategic planning, legal compliance, labor and employment issues in M&A transactions, reductions in force, and assisting clients with drafting employment-related agreements, manuals, policies, and procedures.

Dave has an AV Preeminent Rating in *Martindale-Hubbell* Peer Review Ratings, for the highest legal ability and ethical standards, and has been selected by his peers to be included in the *Best Lawyers in America* since 2003. He has been listed in *Honolulu Magazine*'s "Best Lawyers in Hawai'i" for over 15 years and has been featured in *Chambers & Partners* USA Guides, "America's Leading Business Lawyers" in the state of Hawai'i since 2003.

A contributing editor for the ABA's FLSA and FMLA treatises and annual updates, Dave is an author for BNA's Treatise on State Wage and Hour Laws, and a regular speaker on labor and employment matters at many local and national seminars.

Noteworthy

Practices & Industries

Agriculture & Food Distribution

Construction

Coronavirus Response

Corporate & Business

- Business Organizations
- Government Contracts
- Mergers & Acquisitions

Employment Law & Labor Relations

Energy

Finance

Health Care

Hospitality & Retail

Pensions & ERISA

Technology

Experience

Recent M&A Transactions

- Corporate counsel representing Norwegian Cruise Lines, in connection with the sale of Polynesian Adventure Tours (Hawai'i based land transportation/tour company) to Travel Charter Services, Inc.
- Corporate counsel representing Restaurant Brands NZ Limited in connection with the purchase of 80 Pizza Hut/Taco Bell franchises in Hawai'i, Guam, and Saipan
- Corporate counsel representing Maui Regional Board of HHSC in connection with the agreement transferring the operation and management of the HHSC Maui Region health care facilities from the state to Kaiser Permanente
- Corporate counsel representing Hawai'i-focused impact investment firm in connection with several investments in alternative energy and local food production businesses
- Hawai'i counsel representing seller in the sale of ready-mixed, precast and aggregate business
- Corporate and labor counsel representing sellers and buyers of hotel properties on O'ahu, Maui, Kaua'i, and Hawai'i
- Corporate counsel for Hershey, Inc., in connection with the sale of agricultural plant and production facility on the island of Hawai'i
- Co-counsel representing Aloha Petroleum, Inc. in connection with the purchase of assets of petroleum retailer exiting Hawai'i market
- Hawai'i counsel representing purchaser of popular visitor attraction business

Recent Securities Transactions

- Counsel for senior assisted living developer in several multi-million dollar private offerings (Regulation D)
- Counsel for storage facility developer in several multi-million dollar private offerings (Regulation D)
- Counsel for corporate registry/captive insurance consulting company in several multi-million dollar private offerings (Regulation D)
- Counsel for Regional Center in multi-million dollar private offering (Regulation D/Regulation S) for EB-5 investors in agricultural venture in Hawai'i

Recent Labor and Employment Matters

- Employment counsel representing ready-mixed, precast, and aggregate business assisting with collective bargaining negotiation and grievance arbitration
- Employment counsel representing large nonprofit organization with legal compliance matters
- Employment counsel representing several companies in the construction and healthcare industries assisting with union avoidance campaigns
- Employment counsel representing sellers and buyers of hotel properties on O'ahu, Maui, Kaua'i, and Hawai'i

Landmark Cases

- Nan, Inc. v. Department of Transportation, PDH 2015-06. The DCCA Hearings Officer found in favor of the DOT and Intervenor, Hawai'ian Dredging, and denied Nan, Inc.'s protest of the award of the $347 million Maui Airport Contract award to Hawai'ian Dredging. The

Hearings Officer also concluded that Nan, Inc.'s lower bid was not acceptable in that it was front-end loaded and unbalanced

- Picardy v. Sky River Management, LLC, Pierre and Pamela Omidyar, et al., 249 P.3d 1092 (Haw. App. 2013). Hawai'i Intermediate Court of Appeals affirmed Circuit Court Order staying proceedings and compelling arbitration pursuant to the terms of employment arbitration agreement
- SCI Management Corp. v. Sims, 101 Hawai'i 438, 71 P.3d 389 (2003). The Hawai'i Supreme Court held the employer was improperly denied its constitutional right to a jury trial. The Court held that an employer who appeals a final order of the Hawai'i Civil Rights Commission pursuant to HRS § 368-16, is entitled to a jury trial on any claims that form the basis of an award of common law damages
- Okada Trucking v. Board of Water Supply, 97 Hawai'i 450, 40 P.3d 703 (2002). The Hawai'i Supreme Court held that general contractors were not permitted to perform any work that required a specialty license unless the general contractor itself held the appropriate specialty license

Awards

- Listed in *Chambers & Partners*, USA Guide, since 2004
- Listed in *Best Lawyers*®, since 2003
- Listed in *Super Lawyers*®, 2008-2012, 2020-2022
- *Best Lawyers*® Lawyer of the Year, Corporate Law, Honolulu, 2025 and 2016
- *Martindale-Hubbell AV Preeminent*® Peer Review Rated, since 2001
- *Who's Who Legal: Management* Labour & Employment Leading Lawyer, 2015

Community Involvement

- Hawai'i Aquatics Foundation, Board Member
- AccesSurf, Former Advisory Board Member
- Old Boy Hawai'i Harlequins Rugby Club

Credentials

Education

- LL.M. Corporate Finance/Securities Regulation, Harvard University
- M.A. Law & Economics, University of Miami
- LL.B., University of New Brunswick
- B.B.A., University of New Brunswick, with highest honors

Admissions

- Hawai'i State Bar (1989)
- United States District Court for the District of Hawai'i (1989)
- New Brunswick (Canada) Bar (1983) (Inactive)

Membership

- Hawaii State Bar Association (Business Law, Labor and Employment Law Sections)
- American Bar Association (Business Law, Labor and Employment Law Sections)
- ABA Committee on Federal Standards Legislation (FMLA, FLSA, and WARN Act Subcommittees)
- Member liaison for Employers Counsel Network, a national group of top-level management labor and employment law firms with representation in all 50 states – plus Washington D.C. and Canada
- Member of Management Labor & Employment Roundtable, a national organization of preeminent management labor and employment lawyers

Publications

- "Up in Smoke: Medical Marijuana is Changing Employment Law," *ke kumu* (Winter 2018) (Author)
- "Exempt Offerings of Securities in Hawai'i – An Overview for Start-Up Companies and Small Business," *VII, No. 13, Hawai'i Bar Journal* (2003)
- "Hawai'i's Response to Regulation D," *XXIII, No. 1, Hawai'i Bar Journal 1* (1991)
- "Voting Rights of Limited Partners Under Hawai'i's Uniform Limited Partnership Acts." *XL, No. 1, Hawai'i Bar Journal 7* (1989)
- *The Hawai'i Employment Law Letter* (Editor in Chief, Regular Feature Writer)
- ABA Annual Supplement on Fair Labor Standards Act
- "50 Employment Laws in 50 States," a guidebook that puts all the most need-to-know employment law information – for each of the 50 states (Hawai'i Contributor)