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January 17, 2017
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Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E St SW
Washington, DC 20423

Re: Docket No. 730, Sub. No. 1 – Application for Inclusion on Roster
of Arbitrators

Dear Ms. Brown:

Please consider this correspondence as my application for inclusion on the roster of arbitrators per the decision published at 81 Fed. Reg. 91237 (Dec. 16, 2016).

Background Information:

The Applicant, David Barrett, is managing partner and one of the founding partners of the law firm of Barrett, Easterday, Cunningham & Eselgroth LLP. Applicant has more than 35 years of legal experience. Applicant grew up on his family's livestock and grain farm in Washington County, Ohio, where his early involvement in farming, along with his participation in 4-H and FFA activities, forged his commitment to agriculture that has carried over into the practice of law. Applicant devotes the majority of his practice to serving the needs of agricultural producer and agribusiness clients throughout North America, including corporate governance, commercial transactions, commercial civil litigation, mediation and arbitration.

In addition to Applicant's private practice experience, he served for over 10 ½ years as in-house legal counsel and national secretary for the National Grain and Feed Association (NGFA) in Washington, DC. While Applicant advised the NGFA on a broad range of legal, legislative and regulatory issues, Applicant also had oversight of the NGFA Trade Rules and administered the industry's arbitration system. During that time Applicant also successfully completed the London (England)-based Grain and Feed Trade Association's



Attorneys & Counselors at Law

Gafta Trade Foundation Course on international grain contracts and arbitration at Churchill College, Cambridge, United Kingdom.

Applicant received his B.S. in Agriculture (*with distinction in agricultural economics*) in 1978 from The Ohio State University, and was a 1981 graduate (*cum laude*) from The University of Toledo College of Law. Applicant also was a member and graduate of the first (1985-86) class of the Ohio Agricultural Leadership, Education and Development Program (LEAD) conducted by The Ohio State University.

Experience with Rail Transportation and Economic Regulation

Applicant, during his tenure at NGFA, was responsible for representing and advising the membership with respect to all transportation modes (rail, barge, vessel and truck). Applicant during this period gained substantial knowledge of the economic relationship between all of the transportation modes. Applicant also was the NGFA staff member who represented the industry with respect to the ICC Termination Act of 1995 and participated in numerous regulatory and administrative hearings at both the former Interstate Commerce Commission and the current Surface Transportation Board. Applicant's experience includes working with users of both rail and inland barge transportation. Applicant also participated in meetings of the Inland Waterways Users Board on behalf of NGFA.

Applicant has continued to work with agribusiness firms on transportation issues since re-entering in September 2000 the private practice of law. Applicant's combined trade association and private practice experience includes more than 25 years of experience working with rail transportation and economic regulation.

Dispute Resolution Experience/Training

Applicant served for more than 10 years as the administrator of the National Grain and Feed Association Arbitration System, North America's oldest industry-based arbitration system. During that period, Applicant also was the NGFA staff member who worked with the grain and feed industry to develop the historic agreement between rail users and railroads to establish the NGFA Rail Arbitration Rules for arbitration of specified rail issues.

Applicant has represented producer and agribusiness firms in cases (including rail user – railroad disputes) before the NGFA and in resolving disputes prior to, and during, arbitration. Applicant also has represented parties in cases before the American Arbitration Association. Applicant is a member of the arbitration panel maintained by the National Futures Association and regularly advises clients on issues subject to arbitration before the Grain and Feed Trade Association (based in London, England).

Applicant also has substantial experience serving as a mediator of a variety of cases including court-ordered mediation cases in the State of Ohio.



Arbitration Fees

Applicant's current charges for serving as an arbitrator include the rate of \$420 per hour for time spent on an arbitration case, plus reimbursement for costs and expenses incurred in serving as an arbitrator.

Applicant's Contact Information

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Other Information

Applicant is a member of the American Agricultural Law Association, the Federal Bar Association, and the Ohio State Bar Association (2005-2008 Chair of the Agricultural Law Committee). He was honored in 2008 by being named a Fellow of the Ohio State Bar Foundation. Applicant is a past president of the Ohio Agricultural Council and has served on the board of directors of the Ohio AgriBusiness Association.

In addition to being a member of the Ohio and District of Columbia bars, Mr. Barrett is admitted to practice in the U.S. District Courts for the Southern and Northern Districts of Ohio, U.S. District Courts for the Southern and Northern Districts of Indiana, U.S. District Court for the Central District of Illinois, U.S. District Court for the District of Nebraska, U.S. District Court for the Western District of Michigan, U.S. District Court for the Western District of Tennessee, U.S. District Court for the District of North Dakota, U.S. Tax Court, U.S. Court of Appeals for the Fifth Circuit, U.S. Court of Appeals for the Sixth Circuit, and the U.S. Supreme Court.

Applicant is a frequent speaker on agricultural contract and business legal issues at industry meetings throughout the U.S. He also is a multi-year recipient of the "Ohio Super Lawyer" designation from Law & Politics Magazine. Applicant has an **AV® Peer Review Rating** from Martindale-Hubbell. According to Martindale-Hubbell, "[a]n AV rating is a significant accomplishment - a testament to the fact that a lawyer's peers rank him or her at the highest level of professional excellence. A lawyer must be admitted to the bar for 10 years or more to receive an AV rating."

Respectfully,

s/ David C. Barrett, Jr.

David C. Barrett, Jr.

