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The Honorable Ann D. Begeman
Chairman
Surface Transportation Board
395 E. Street, S.W., Suite 1290
Washington, DC 20423

ENTERED
Office of Proceedings
December 29, 2020
Part of
Public Record

RE: Docket No. 730 (Sub. No. 1) – Confirmation of Continued
Availability for Inclusion on Roster of Arbitrators

Dear Chairman Begeman:

Please consider this correspondence as my confirmation of continued availability for inclusion on the roster of arbitrators per the decision dated December 2, 2020, regarding Roster of Arbitrators – Annual Update.

Background Information:

David Barrett is managing partner and one of the founding partners of the law firm of BARRETT, EASTERDAY, CUNNINGHAM & ESELGROTH LLP. Mr. Barrett has more than 39 years of legal experience. Mr. Barrett 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. Mr. Barrett 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 David Barrett'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 Mr. Barrett advised the NGFA on a broad range of legal, legislative and regulatory issues, he also had oversight of the NGFA Trade Rules and administered the industry's arbitration system. During that time Mr. Barrett also successfully completed the London (England)-based Grain and Feed Trade Association's *Gafta* Trade Foundation Course on international grain contracts and arbitration at Churchill College, Cambridge, United Kingdom.



Attorneys & Counselors at Law

Mr. Barrett 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. Mr. Barrett 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

Mr. Barrett, during his tenure at NGFA, was responsible for representing and advising the membership with respect to all transportation modes (rail, barge, vessel and truck). Mr. Barrett during this period gained substantial knowledge of the economic relationship between all of the transportation modes. He 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. Mr. Barrett's experience includes working with users of both rail and inland barge transportation. Mr. Barrett also participated in meetings of the Inland Waterways Users Board on behalf of NGFA.

Mr. Barrett has continued to work with agribusiness firms on transportation issues since re-entering in September 2000 the private practice of law. His combined trade association and private practice experience includes more than 29 years of experience working with rail transportation and economic regulation.

Dispute Resolution Experience/Training

Mr. Barrett 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, Mr. Barrett 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.

Mr. Barrett 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. He also has represented parties in cases before the American Arbitration Association. Mr. Barrett 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).

Mr. Barrett also has substantial experience serving as a mediator of a variety of cases including court-ordered mediation cases throughout the country.



Arbitration Fees

Mr. Barrett'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.

Contact Information

Mr. Barrett works out of his firm's offices in Dublin, Ohio, and Bismarck, North Dakota.

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Other Information

Mr. Barrett 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 also is a member of the Ohio State Bar Association's Council of Delegates (2017-present). Mr. Barrett was honored in 2008 by being named a Fellow of the Ohio State Bar Foundation. He is a past president of the Ohio Agricultural Council and serves as general counsel to the Ohio AgriBusiness Association.

In addition to being a member of the Ohio, North Dakota 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 Eastern and 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, U.S. Court of Appeals for the Eighth Circuit, U.S. Court of Appeals for the Ninth Circuit and the U.S. Supreme Court.

Mr. Barrett 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. Mr. Barrett 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."



Please let me know if you need any additional information.

Respectfully,

BARRETT, EASTERDAY,
CUNNINGHAM & ESELGROTH LLP

/s/David C. Barrett, Jr.

David C. Barrett, Jr.
Managing Partner

