

1255 W. Coulee Road
Bismarck, ND 58501-1244

Ph. 701-354-4878
dbarrett@farmlawyers.com

David C. Barrett, Jr. *

*Admitted in North Dakota, Ohio, and District of Columbia

B E C E

— BARRETT EASTERDAY —
CUNNINGHAM & ESELGROTH LLP

7259 Sawmill Road
Dublin, OH 43016

Ph. 614-210-1840
Fax 614-210-1841

310646

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Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423

Filed Electronically

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

Dear Board Members:

Please consider this correspondence as my confirmation of continued availability for inclusion on the roster of arbitrators per the decision dated December 30, 2025, regarding **Roster of Arbitrators – Annual Update**.

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 45 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. He was a recipient in 2023 of the American Agricultural Law Association's Excellence in Agricultural Law award for private practitioners.

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.

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



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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 35 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. He also completed Mediation Training for Lawyers at The Werner Institute for Negotiation and Conflict Resolution at Creighton University School of Law.



Arbitration Fees

Mr. Barrett's current charges for serving as an arbitrator include the rate of \$525 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.

Please let me know if you need any additional information.

Respectfully,

BARRETT, EASTERDAY,
CUNNINGHAM & ESELGROTH LLP

David Barrett

David C. Barrett, Jr.
Managing Partner

