

Rising Star: Gibson Dunn's David Schnitzer

Law360 (August 22, 2018, 3:40 PM EDT) -- In less than five years, David Schnitzer of Gibson Dunn & Crutcher LLP has become one of the firm's top railroad industry attorneys, defending CSX in an attempt to shut down the construction of a major Washington, D.C., railway tunnel, among other cases, earning him a spot among four transportation attorneys under 40 honored by Law360 as Rising Stars.

ON HIS JOURNEY TO HIS CURRENT POSITION:

Before law school, Schnitzer worked on Capitol Hill and in the executive branch, where he became increasingly interested in the legal field.

"I was always sort of drawn to the legal-related issues and some of the more substantive policy and research pieces of those experiences," Schnitzer said. "A lot of my friends could have told you before I figured it out that law was the right thing for me."


Coming up on five years at Gibson Dunn, Schnitzer says his time working in government has given him an advantage, providing him with experience and knowledge that is especially valuable in dealing with an industry as regulated as freight rail.

HOW RAILROADS BECAME A FOCUS:

Schnitzer has become a core member of Gibson Dunn's transportation group, even decorating his office with maps of CSX tracks and projects as an example of dedication to his craft.

Schnitzer worked on his first rail-related matter with 2017 Law360 Transportation MVP Tom Dupree, and they hit it off well enough that when confronted with a series of cases involving freight rail company CSX, Dupree turned to Schnitzer.

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STAR



David Schnitzer
Gibson Dunn

Age: 38
Home base: Washington, D.C.
Position: Associate
Law school: Georgetown University Law Center
First job after law school: Associate at Gibson Dunn

“Over the course of my first year here, he turned to me and gave me a lot of responsibility,” Schnitzer said. “Everything worked out pretty well and I continued to add more and more work from mostly CSX and from the Association of American Railroads.”

HIS BIGGEST CASE:

Schnitzer says his biggest case was also his very first one. He was part of a team that defended CSX in 2014 from a challenge to the railroad’s reconstruction project of the Virginia Avenue tunnel that goes under southeast Washington, D.C. The tunnel would allow freight trains to bypass the city’s Union Station, but residents of the Navy Yard neighborhood, where the reconstructed tunnel would be built, challenged it under the National Environmental Policy Act, claiming that the increase in freight traffic could bring new dangers to the community.

Despite being the only associate on the Gibson Dunn team, Schnitzer more than pulled his weight, working not only with CSX and co-counsel but using his government experience to work with counsel for the federal and D.C. governments. He and the team racked up a string of victories in the D.C. district court and the D.C. Circuit, including defeating a bid for a preliminary injunction which eventually led to the case being dropped.

“It was a lot of responsibility, a little bit scary, but a fantastic learning experience and I got a lot out of it and really liked it,” Schnitzer said.

ON THE FUTURE OF RAILROAD LAW:

“I think that the two major themes of focus going forward will be the relationship between freight rail and passenger rail and technology-driven changes in the industry,” Schnitzer said. He mentioned changes to regulations on railroad brakes as one particular area to watch.

Schnitzer also sees a continued focus on proposals to run higher-speed trains on traditional freight rail tracks, which he said were not designed to support such services — while Amtrak owns and controls most of the rail infrastructure in the northeast, railways in the rest of the country are owned by the freight carriers. That will result in continued disagreements in coming years on how and whether higher-speed service can be expanded, he said.

“I’m sure it will spark all sorts of interesting legal issues about what the government should require, can require, set up minimum standards for, things like that,” he said.

— *As told to Adrian Cruz*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2018 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.