

**David M. Gossett** (He/Him)**PARTNER****Washington, D.C.**

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EducationJ.D., The University of Chicago
Law School, 1997Graduate Studies, Social
Psychology, University of
Colorado, 1994M.A., Psychology, University of
Pennsylvania, 1993B.A., Psychology, Reed College,
1991**Admitted to Practice**

Illinois, Inactive, 1997

District of Columbia, 2000

U.S. Supreme Court

U.S. Court of Appeals 1st Circuit

U.S. Court of Appeals 2nd Circuit

U.S. Court of Appeals 3rd Circuit

U.S. Court of Appeals 4th Circuit

U.S. Court of Appeals 5th Circuit

U.S. Court of Appeals 6th Circuit

U.S. Court of Appeals 7th Circuit

U.S. Court of Appeals 8th Circuit

U.S. Court of Appeals 9th Circuit

U.S. Court of Appeals 10th Circuit

U.S. Court of Appeals 11th Circuit

U.S. Court of Appeals D.C. Circuit

U.S. Court of Appeals for the
Armed Forces

U.S. District Court District of D.C.

U.S. District Court District of
Maryland

David Gossett is a leading appellate and regulatory litigator who uses his years of practice in government and the private sector to represent and advise internet, tech, fintech, communications, energy, and other clients facing cutting-edge issues.

David has successfully argued in the U.S. Supreme Court and numerous other federal and state courts of appeals and has briefed cases in every federal court of appeals and numerous trial courts. He has handled appeals across a wide swath of matters—ranging from antitrust to bankruptcy law to class-action certification to constitutional law to federal preemption to the enforcement of arbitration agreements—but has particular expertise in federal regulation and administrative law. He has handled cases addressing rules and other agency actions from, among other agencies, the CFPB, DOL, FCC, FERC, FDA, FMCSA, IRS, NHTSA, NPS, and STB.

Before joining DWT, David served as deputy general counsel at the FCC where he oversaw all of the Commission's litigation. In addition to his time at the FCC, David's government experience also includes serving as the initial assistant general counsel for litigation at the Consumer Financial Protection Bureau, where he helped stand up the agency and set up and ran the appellate and defensive litigation group; and working as a trial attorney in the Civil Division at the Department of Justice.

David's unique government experience gives him particular insight into the federal regulatory system. In addition to representing clients in litigation challenging and defending regulatory actions, David helps clients respond to investigations and enforcement matters; participate in agency rulemaking proceedings; identify and solve regulatory problems; navigate regulations in the product-development process; and handle the complex interplay between agency and congressional attention.

Practice Highlights**Appellate and regulatory litigation**

Argued appeals in the 2nd, 3rd, 4th, 9th, 11th, and D.C. Circuits, Georgia and New Jersey Supreme Courts, and various state appellate courts. Briefed cases in every other federal appellate court and numerous other state appellate courts. Highlights from 2021 include arguing against the Department of Justice in the 9th Circuit in a successful challenge to President Trump's ban of the WeChat app; two oral arguments in the D.C. Circuit in cases addressing FERC orders; and

briefing two separate antitrust appeals, one in the 6th Circuit and one in the 9th Circuit.

Supreme Court litigation

Argued two cases in the Supreme Court, *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006), and *Central Laborers' Pension Fund v. Heinz*, 541 U.S. 739 (2004); briefed dozens of cases on merits, at cert stage, and as *amicus*—including two merits *amicus* briefs in October Term 2021. Experienced advocating for clients' interests before U.S. Solicitor General and coordinating *amicus* coalitions.

Former government service

At FCC, led group responsible for all trial and appellate litigation; argued five important cases in federal appeals courts; and advised on matters of law and policy. At CFPB, built and managed defensive and appellate litigation team; designed cutting-edge *amicus* program; and developed processes and policies for all defensive litigation.

Memberships & Affiliations

- Member, American Law Institute, 2009-present
- Master, 2016-present; Co-chair, Membership Committee, 2010-2014; Membership Committee, 2007-2010; Secretary, 2004-2007; Member, 2004-present - Edward Coke Appellate Inn of Court
- Co-founder; Executive Editor – The Green Bag, 1997-present
- Treasurer, 2009-2011; Steering Committee, 2008-2011 - Administrative Law and Agency Practice Section, District of Columbia Bar
- Board of Trustees & Legal Committee, 2010-2011; National Advisory Council, 2006-2010 - Americans United for Separation of Church and State
- Board of Trustees, 2009-2011; Alumni Board, 2003-2006 - Reed College

Professional Recognition

- Named to "Capital Pro Bono Honor Roll" by the D.C. Court of Appeals and the D.C. Superior Court, 2020 (High Honors)
- Named as one of the "Best Lawyers in America" in Appellate Law by Best Lawyers while previously in private practice, 2009-2011
- Selected to "Washington, D.C. Super Lawyers" while previously in private practice, Thomson Reuters, 2011
- Listed as one of the "Top 40 Lawyers Under 40" by Washingtonian Magazine, 2006

Background

- Deputy General Counsel, Federal Communications Commission, Washington, D.C., 2014-2019
- Assistant General Counsel, Consumer Financial Protection Bureau, Washington, D.C., 2011-2014
- Partner, 2005-2011; Associate, 2000-2004, Supreme Court and Appellate Practice, Mayer Brown LLP, Washington, D.C.
- Visiting Associate Professor, Riga Graduate School of Law, Riga, Latvia, 1999, 2000
- Honors Program Attorney, Civil Frauds Group, Civil Division, U.S. Department of Justice, Washington, D.C., 1998-2000
- Judicial Clerk, Hon. Diane P. Wood, U.S. Court of Appeals 7th Circuit, Chicago, 1997-1998

Insights

Panelist, "Big SCOTUS Changes Mean New Client Tools," Commercial Litigation 2022 Practice Group Retreat, Davis Wright Tremaine, San Diego, 10.08.22

DWT Attorneys File Amicus Brief in Support of Custodia Bank, 09.26.22

"Crypto-Focused Bank Gets GOP Backing In Fight With Fed," Law360, 09.23.22

Co-presenter, "SCOTUS West Virginia v. EPA Ruling: Impact on Renewable Energy Resources and Clean Power Initiatives," Strafford Webinars, 09.22.22

The Supreme Court Casts a Shadow Over the Fight Against Climate Change (and So Much More), 07.07.22



Quoted in, "Supreme Court revisits prayer in school in football coach case," The Hill, 04.24.22

Quoted in "Praying Coach's Case Returns High Court's Focus To Religion," Law360, 04.22.22

Quoted in "Davis Wright Tremaine, Former NFL Players Team Up for Supreme Court Amicus Brief," Law.com, 04.12.22

Ninth Circuit Upholds Denial of Injunction Against California Net Neutrality Law, 02.11.22

Quoted in "FERC Ordered To Give Dam Flooding Complaint A Fresh Look," Law360, 01.18.22

Co-author, "Federal Court Says Voice Service Providers "Mey" Face TCPA Liability for Facilitating Spoofed Robocalls," The Journal of Robotics, Artificial Intelligence & Law (RAIL), January–February 2022

Chopra's CFPB Signals Expansion of Abusiveness to Include Antitrust, 11.30.21