

Hon. R. David Proctor (Ret.)

Arbitrator, Mediator, Special Master and Court Appointed Neutral



Parties facing their most significant disputes seek more than legal expertise. They seek sound judgment, disciplined process, and the credibility that comes from more than two decades spent resolving the nation's most complex litigation. Judge R. David Proctor built his career on those principles — first as a federal litigator, then over two decades as a United States District Judge, including service as Chief Judge — and now brings that same judgment to every engagement as a mediator, arbitrator, special master, and court-appointed neutral.

Before his appointment to the federal bench, Judge Proctor practiced as a federal litigator handling class actions and other substantial cases, experience that shaped how he later ran a courtroom. While on the bench, he presided over multidistrict litigations, nationwide class actions, antitrust matters, securities litigation, products liability actions, complex commercial disputes, insurance coverage litigation, business torts, and other high-stakes civil matters involving billions of dollars in controversy, becoming known for disciplined case management and practical judgment in guiding sophisticated litigants through exceptionally complex disputes.

Judge Proctor also helped shape the future of complex litigation in federal courts. He served as a member of the United States Judicial Panel on Multidistrict Litigation, the seven-judge panel responsible for the federal MDL system, and as a member of the Judicial Conference's Advisory Committee on Civil Rules, where he chaired the MDL Rules Subcommittee and led development of Federal Rule of Civil Procedure 16.1 — the first federal rule devoted specifically to multidistrict litigation. He also sat by designation with the United States Court of Appeals for the Eleventh Circuit on roughly ten occasions, authoring published opinions on class action settlements, complex commercial disputes, business interruption insurance, and federal receiverships.

Since retiring from the bench, Judge Proctor has continued to draw on that experience as a neutral. He now devotes his practice exclusively to serving as a mediator, arbitrator, special master, and court-appointed neutral in complex disputes nationwide, including his appointment as court-appointed mediator and conditionally appointed special master in *Musk v. Altman* in the Northern District of California.



His view is straightforward: exceptional outcomes begin with exceptional process, and his objective in every engagement is to design a process that lets sophisticated parties and experienced counsel reach efficient, durable, well-informed resolutions.

Areas of Expertise:

- MULTIDISTRICT LITIGATION (MDLS)
- COMPLEX COMMERCIAL LITIGATION
- CLASS ACTIONS
- ANTITRUST AND COMPETITION LITIGATION
- SECURITIES AND SHAREHOLDER LITIGATION
- PRODUCTS LIABILITY LITIGATION
- MASS TORTS
- INSURANCE COVERAGE AND BAD FAITH LITIGATION
- BUSINESS TORTS LITIGATION
- HEALTHCARE LITIGATION
- CORPORATE GOVERNANCE AND FIDUCIARY DUTY DISPUTES
- BANKRUPTCY-RELATED COMPLEX LITIGATION
- ENVIRONMENTAL AND TOXIC TORT LITIGATION
- FALSE CLAIMS ACT AND GOVERNMENT ENFORCEMENT MATTERS
- INSTITUTIONAL AND PUBLIC ENTITY LITIGATION
- CATASTROPHIC SINGLE-EVENT LITIGATION (INCLUDING AIRCRAFT, INDUSTRIAL ACCIDENTS, EXPLOSIONS)
- OTHER HIGH-STAKES CONTROVERSIES

Process & Case Management:

- MDL AND COMPLEX CASE MANAGEMENT
- NEUTRAL AND SETTLEMENT PROCESS DESIGN
- AGGREGATE SETTLEMENTS AND CLAIMS ADMINISTRATION
- ATTORNEYS' FEE ALLOCATION
- LEADERSHIP STRUCTURE DISPUTES
- DISCOVERY AND PRIVILEGE MANAGEMENT
- EXPERT WITNESS MANAGEMENT
- CORPORATE MONITORSHIPS
- INDEPENDENT INVESTIGATIONS
- SPECIAL MASTER APPOINTMENTS

Representative Judicial Matters:

- **In re Blue Cross Blue Shield Antitrust Litigation (MDL No. 2406)** — Presiding judge in one of the nation's largest healthcare antitrust MDLs, involving nationwide subscriber and provider classes resulting in approximately \$5.5 billion in total settlements.
- **In re Total Body Formula Products Liability Litigation (MDL No. 1985)** — Appointed by the JPML to preside over this nationwide products liability MDL, coordinating state and federal proceedings and facilitating an early resolution.
- **In re Silicone Gel Breast Implants Products Liability Litigation (MDL No. 926)** — Final district judge supervising this landmark MDL; authored the published decision in *Juris v. Inamed Corp.* on federal courts' continuing jurisdiction to enforce nationwide class action settlements.
- **In re Colonial BancGroup, Inc. Securities Litigation** — Presided over securities litigation arising from one of the nation's largest financial institution failures, involving securities fraud, accounting, and corporate governance issues.
- **Faught v. American Home Shield Corp.** — Supervised a nationwide consumer class action settlement, including fluid recovery and post-settlement enforcement.
- **Ray v. Judicial Corrections Services, Inc.** — Presided over constitutional class actions challenging municipal probation practices, involving class certification and municipal liability issues.

Judicial & Professional Leadership:

- Chief Judge, United States District Court for the Northern District of Alabama
- Member, United States Judicial Panel on Multidistrict Litigation
- Member, Judicial Conference Advisory Committee on Civil Rules; Chair, MDL Rules Subcommittee
- Judge by designation, United States Court of Appeals for the Eleventh Circuit
- Frequent lecturer on multidistrict litigation, complex civil procedure, and judicial administration

Education:

- J.D., University of Tennessee College of Law (Honors Graduate; Tennessee Law Review Editorial Board; Moot Court)
- B.A., Carson–Newman College (Varsity Football; Student Government Association)