

# Robert Proctor

<b>Name</b>	Robert N. Proctor
<b>Professional Occupation</b>	Professor of History
<b>Institution</b>	Stanford University
<b>Website</b>	<a href="http://www.stanford.edu/dept/HPS/proctor.html">http://www.stanford.edu/dept/HPS/proctor.html</a>
<b>Short Description</b>	<p>Robert Proctor is Professor of the History of Science and Professor of Pulmonary and Critical Care Medicine at Stanford, who has testified as an expert witness regarding negligence claims made by smokers against tobacco companies. Tobacco companies have made many efforts to prevent Proctor from testifying in these cases. He has argued that the tobacco industry, relying heavily on historians, has created a new "science", which he terms "agnotology", for the creation of doubt and ignorance about its actions in the past. Proctor has surpassed any other historian in the number of cases he has served in as an expert witness: that number is 93.</p> <p>In a deposition pertaining to <i>Rosol v. R.J. Reynolds</i> from 2003 Proctor stated that he charged \$350 an hour for tobacco-related research.<sup>1</sup> The following year Proctor disclosed during a deposition for <i>Ferlanti v. Liggett Group</i> that he charged \$500 an hour for research and \$600 for depositions and testimony.<sup>2</sup> In 2010 he acknowledged that he had made \$600,000 dollar as an expert witness for the plaintiffs in tobacco litigation. Proctor added that he was paid \$4,800 by the tobacco industry for or each deposition he did.<sup>3</sup> Later that same year Proctor declared he had made \$700,000 as an expert judicial witness in tobacco litigation. He also pointed out that a lot of that amount had come from the 25 times he had been deposed and thus had been paid a retainer of \$4,800 per deposition by the tobacco companies.<sup>4</sup> In a deposition given in 2012 concerning <i>Reider v. R.J. Reynolds</i> Proctor stated that he had made around \$1.5-\$1.6</p>

<sup>1</sup> See deposition of Robert Proctor, December 2, 2003, *Rosol v. R.J. Reynolds*. Westlaw reference: 2003 WL 25885108.

<sup>2</sup> See deposition of Robert Proctor, December 13, 2007, *Ferlanti v. Liggett Group*. Westlaw reference: 2007 WL 7010907.

<sup>3</sup> See deposition of Robert Proctor, March 8, 2010, *Mack v. R.J. Reynolds*. Westlaw reference: 2010 WL 5647593.

<sup>4</sup> See testimony of Robert Proctor, September 20, 2010, *In re: Engle Progeny Cases*. Westlaw reference: 2010 WL 5647599.

million as an expert witness in tobacco litigation. He claimed that he made approximately \$100,000 a year as an expert for 16 years. That was the equivalent of 40 % of his total income, Proctor furthermore declared.<sup>5</sup> Proctor has acknowledged that he has made between 1.5 and 2 million dollars with his tobacco-related litigation work. He further notes that his remuneration to a considerable extent comes from depositions he gets paid to do by the tobacco companies to enable legal counsel for the tobacco companies to question him.<sup>6</sup>

Proctor has been the victim of intimidation by the tobacco industry who tried to exclude him for further testifying in Engle Progeny cases and subpoenaed his unfinished manuscript of *Golden Holocaust* in 2009.<sup>7</sup> The book is, together with *The Cigarette Century* by Allan Brandt, an epic work on the history of tobacco and its deadly product.<sup>8</sup> Proctor has been a very active voice in the debate on the involvement of historians in tobacco litigation with articles on the subject in *Nature*,<sup>9</sup> *The Lancet*,<sup>10</sup> and *Tobacco Control*.<sup>11</sup>

Proctor has been active in over 90 court cases. His research and heavy involvement in tobacco related litigation, not in the least in the federal case *US v. Philip Morris et al.*, has recently been acknowledged when Proctor was invited to attend the celebratory events at the White House remembering the 50<sup>th</sup> anniversary of the Surgeon General Report on Smoking from 1964.

<b>Education</b>	Ph.D.
<b>Major Fields</b>	Professor Proctor specializes in the history of 20th century science, technology, medicine, and tobacco

<sup>5</sup> See deposition of Robert Proctor, August 22, 2012, *Reider v. R.J. Reynolds*. Westlaw reference: 2012 WL 4050497.

<sup>6</sup> From personal correspondence with the author.

<sup>7</sup> Schmidt, Peter. 2009. Big Tobacco Strikes Back at Historian in Court. *The Chronicle of Higher Education* 56, November 13. For the polemic discussion that followed afterwards in *The Nation* of Jon Wiener's article on the subject see Wiener, Jon. 2010. Big Tobacco and the Historians. *The Nation*, February 15. <http://www.thenation.com/article/big-tobacco-and-historians>. Accessed 31 Oct 2014.

<sup>8</sup> The following link is an interview with prof. Proctor on C-SPAN, discussing his book. See <http://www.c-span.org/video/?312354-5/book-discussion-golden-holocaust>. Accessed 31 Oct 2014.

<sup>9</sup> Proctor, Robert. 2000. Expert Witnesses Take the Stand. *Nature* 407, 15-16.

<sup>10</sup> Proctor, Robert. 2004. Should Medical Historians Be Working for the Tobacco Industry? *The Lancet* 363, 1174-1175.

<sup>11</sup> Proctor, Robert. 2006. 'Everyone Knew But No One Had Proof': Tobacco Industry Use of Medical History Expertise in US courts, 1990-2002. *Tobacco Control* 15, 117-125.

<b>Major Publications</b>	<p>Proctor R. N., <i>Cancer Wars: How Politics Shapes What We Know and Don't Know About Cancer</i>. New York, Basic Books, 1996, p. 356.</p> <p>Proctor R. N., <i>The Nazi War on Cancer</i>. Princeton, New York, Princeton University Press, 1999, p. 380.</p> <p>Proctor R. N., "Expert witnesses take the stand." In: <i>Nature</i>, Vol. 407, 2000, pp. 15-16.</p> <p>Proctor R. N., "Should Medical Historians Be Working for the Tobacco Industry?" In: <i>The Lancet</i>, Vol. 363, 2004, pp. 1174-1175.</p> <p>Proctor R. N., "'Everyone Knew But No One Had Proof': Tobacco Industry Use of Medical History Expertise in US courts, 1990-2002." In: <i>Tobacco Control</i>, Vol. 15, 2006, pp. 117-125.</p> <p>Proctor R. N. &amp; Schiebinger L. (eds.), <i>Agnotology. The Making &amp; Unmaking of Ignorance.</i>, Palo Alto, California, Stanford University Press, 2008, p. 312.</p> <p>Proctor R. N., <i>Golden Holocaust: Origins of the Cigarette Catastrophe and the Case for Abolition</i>. Berkeley and Los Angeles California, University of California Press, 2012, p. 752.</p>
<b>Number of Cases</b>	93

Case <sup>12</sup>	Year	Manner of Involvement
1. Ironworkers v. Phillip Morris	1998-1999	Expert Report Submitted
2. Northwest Laborers-Employers Health & Security Trust Fund v. Philip Morris	1998	Expert Report Submitted
3. United States v. Philip Morris	1999-2006	Expert Report and Deposition
4. Campbell v. R.J. Reynolds	2002-2013	Deposition and Testimony
5. Frankson v. Brown & Williamson Tobacco	2003-2004	Testimony
6. Rose v. American Tobacco	2003-2007	Designated
7. Rosol v. R.J. Reynolds	2003	Deposition
8. St. Louis v. American Tobacco	2004-2008	Deposition
9. Schwab v. Philip Morris	2004-2006	Deposition and Testimony
10. McLaughlin v. Philip Morris	2005	Expert Report Submitted
11. Ferlanti v. Liggett Group	2007-2009	Deposition and Testimony

<sup>12</sup> The following online databases: <http://legacy.library.ucsf.edu>, <http://tobaccodocuments.org>, <http://lawschool.courtroomview.com/experts>, & Westlaw. This profile is furthermore completed with information gathered from personal correspondence with Prof. Proctor. In Engle Progeny Cases many depositions and testimonies are reused in other cases instead of solely in the case where the actual testimony was given for the first time. I list these cases separately because in each one the deposition or testimony was submitted as important evidence and thereby it influenced the court and the jury.

12. Avant v. R.J. Reynolds	2008-2012	Deposition
13. Ballard v. R.J. Reynolds	2008-2012	Affidavit and Testimony
14. Bradley v. R.J. Reynolds	2008-2012	Deposition
15. Brown v. R.J. Reynolds	2008-2013	Deposition and Testimony
16. Dorn v. R.J. Reynolds	2008	Designated
17. Evers v. R.J. Reynolds	2008-2013	Designated
18. Grant v. R.J. Reynolds	2008-2009	Designated
19. Hess v. R.J. Reynolds	2008-2009	Deposition and Cross-examination
20. Kalyvas v. R.J. Reynolds	2008-2009	Precluded <sup>13</sup>
21. Kirkland v. R.J. Reynolds	2008-2011	Testimony
22. Loyd v. R.J. Reynolds	2008	Designated
23. Martin v. R.J. Reynolds	2008-2009	Deposition
24. Putney v. R.J. Reynolds	2008-2010	Deposition
25. Raley v. R.J. Reynolds	2008	Designated
26. Sottosanti v. R.J. Reynolds	2008	Designated
27. Staggs v. R.J. Reynolds	2008	Designated
28. Stalley v. R.J. Reynolds	2008	Designated
29. Tullo v. R.J. Reynolds	2008-2011	Affidavit
30. Barbanell v. R.J. Reynolds	2009-2014	Deposition and Testimony
31. Blasco v. R.J. Reynolds	2009-2013	Testimony
32. Bullock v. Philip Morris	2009	Affidavit
33. Grossman v. R.J. Reynolds	2009-2013	Testimony
34. Hall v. R.J. Reynolds	2009-2011	Testimony
35. Hetzner v. R.J. Reynolds	2009-2010	Deposition
36. In re: Engle Progeny cases <sup>14</sup>	2009-2014	Deposition and Testimony
37. Izzarelli v. R.J. Reynolds	2009-2010	Expert Report Submitted
38. Jacobson v. R.J. Reynolds	2009-2012	Testimony
39. Koballa v. R.J. Reynolds	2009-2010	Deposition and Testimony
40. Sherman v. R.J. Reynolds	2009	Testimony
41. Townsend v. R.J. Reynolds	2009-2010	Deposition
42. Alexander v. Philip Morris	2010	Deposition
43. Andy Allen v. R.J. Reynolds	2010-2011	Deposition and Testimony
44. Chamberlain v. R.J. Reynolds	2010-2012	Deposition and Testimony

<sup>13</sup> Dr. Proctor was not allowed to give a deposition or testimony in this case because the plaintiff had been a member of the Greek public for most of his life; considering that Dr. Proctor was going to testify on the misinformation concerning smoking and health that Defendants allegedly disseminated to the American public, the court precluded Proctor as a witness. See *Kalyvas v. Philip Morris*, 2008 WL 6333456.

<sup>14</sup> Pertaining to Avant, Barbanell, Brown, Buonomo, Cohen, Gavan, Hess, Giddens, Kaufmann, Kaplan, Larrabee, Lopez, Naugle, Proud, Reider, Scott, Stephens, Sury, Sherman, Scarcy, Tucci, Vanblarcom, and Warrick.

45. Cohen v. R.J. Reynolds	2010-2013	Deposition and Testimony
46. Coleman Alexander v. Philip Morris	2010-2012	Deposition and Testimony
47. Evans v. R.J. Reynolds	2010	Affidavit
48. Frazier v. Philip Morris	2010	Deposition and Testimony
49. Mack v. R.J. Reynolds	2010	Deposition
50. McEniry v. R.J. Reynolds	2010	Deposition
51. Oliva v. R.J. Reynolds	2010-2011	Deposition and Testimony
52. Perez v. R.J. Reynolds	2010	Deposition
53. Rubio v. R.J. Reynolds	2010	Designated
54. Scott v. R.J. Reynolds	2010-2012	Deposition and Testimony
55. Smith v. R.J. Reynolds	2010-2012	Deposition and Testimony
56. Tate v. Philip Morris	2010	Deposition and Testimony
57. Warrick v. R.J. Reynolds	2010	Deposition and Testimony
58. Bowman v. R.J. Reynolds	2011	Deposition and Testimony
59. In re: Tobacco Litigation	2011-2013	Deposition and Testimony
60. Junious v. R.J. Reynolds	2011	Deposition and Testimony
61. Marotta v. R.J. Reynolds	2011-2013	Deposition and Testimony
62. Miller v. Lorillard	2011	Designated
63. Reese v. R.J. Reynolds	2011	Deposition and Testimony
64. Sury v. R.J. Reynolds	2011	Deposition and Testimony
65. Vanblarcom v. R.J. Reynolds	2011-2012	Designated
66. Collaway v. R.J. Reynolds	2012	Deposition and Testimony
67. Giddens v. R.J. Reynolds	2012	Deposition
68. Graham v. R.J. Reynolds	2012	Deposition
69. Larkin v. R.J. Reynolds	2012	Deposition and Testimony
70. Larrabee v. R.J. Reynolds	2012	Deposition
71. Proud v. R.J. Reynolds	2012	Deposition
72. Reider v. R.J. Reynolds	2012	Deposition
73. Sikes v. R.J. Reynolds	2012-2013	Testimony
74. Williams v. R.J. Reynolds	2012	Testimony
75. Banks v. R.J. Reynolds	2013-2014	Testimony
76. Crawford v. R.J. Reynolds	2013	Testimony
77. Dombney v. R.J. Reynolds	2013	Testimony
78. Ellis v. R.J. Reynolds	2013-2014	Testimony
79. Ruffo v. R.J. Reynolds	2013	Deposition and Testimony
80. Skolnic v. R.J. Reynolds	2013	Deposition and Testimony
81. Spolzino v. R.J. Reynolds	2013	Deposition and Testimony
82. Thibault v. R.J. Reynolds	2013	Deposition and Testimony
83. Weinstein v. R.J. Reynolds	2013	Deposition and Testimony

84. Baum v. R.J. Reynolds	2014	Testimony
85. Clayton v. R.J. Reynolds	2014	Testimony
86. Cuculino v. Philip Morris	2014	Testimony
87. Gonzalez v. Philip Morris	2014	Testimony
88. Hubbird v. R.J. Reynolds	2014	Testimony
89. Irmi v. R.J. Reynolds	2014	Testimony
90. Lourie v. R.J. Reynolds	2014	Testimony
91. Robinson v. Philip Morris	2014	Testimony
92. Wendel v. R.J. Reynolds	2014	Testimony
93. Wilcox v. R.J. Reynolds	2014	Testimony