



Expert Witness Services for Artificial Intelligence, Data, IT, Mobile Technology and Software Disputes

Software and data are ubiquitous, with every organization now dependent on ever more complex digital infrastructure. Now AI is being infused into every product and service, increasing that complexity in ways that few truly understand, and vendors are fighting to win in ever more competitive markets. The implications for contract disputes and litigation are huge.

Expert witnesses must be able to not just understand the technical issues but explain them in a way that can be understood by lawyers, juries, and judges.

This is where [Dr. Richard M. Marshall](#), Principal of Concept Gap Ltd, excels. With a Ph.D. in Computer Science from the prestigious University of Edinburgh, Dr. Marshall possesses a unique talent for rapidly grasping the critical issues at the core of each matter, before effectively and clearly conveying the complex technical concepts involved. Not only does Dr. Marshall have a solid academic background, but he has also founded several successful software startups and has a remarkable repertoire of qualifications, including being an active and highly acclaimed public speaker and a former Gartner Analyst.

Dr. Marshall's track record as an expert witness speaks for itself. He has provided invaluable insights in four completed cases, successfully helping win over \$2 billion in compensation. With two court appearances, two depositions, preparation of twelve reports, surviving voir-dire challenges and a Daubert motion, Dr. Marshall has the experience you require in both U.S.A. and U.K. courts.

Trust and credibility in the legal field is so important that we are happy to provide you with references from attorneys, lawyers, and advocates who have worked with Dr. Marshall in the past, including one on Benchmark Litigation's list of "[Top 100 Trial Lawyers](#)" in the U.S.A. and one on the U.K. "[Legal 500 Hall of Fame](#)."

One of the best expert witnesses I've ever had the privilege to listen to in terms of knowledge of his subject and preparation of testimony.

Richard E. Gardiner, Presiding Judge,
Virginia General District Court

U.S.A.

Complex data discovery and analysis

Confidential, Delaware, USA, 2023-

For this on-going high-profile case, currently under a Tier 2 Protective Order, Dr. Marshall was able to extract CRM data from an undocumented binary file and produce incisive analytics supporting the client's position.

Willful and malicious misappropriation of trade secrets

Appian vs Pegasystems, Virginia, 2021-2022

Dr. Marshall was the technical expert witness for Appian in Appian vs Pegasystems, which resulted in the jury awarding record damages of over \$2bn, the largest ever award in Virginia state court history. This was an extremely technical case that needed a deep understanding of software development and the low-code development tools market. Judge Gardiner, presiding, complimented Dr. Marshall on the clarity of his testimony, enabling the court to understand the complexities and import of the misappropriated materials.

This case involved expert deposition, reports, rebuttal reports, testimony, court cross examination, including repeated voir-dire challenges, a Daubert motion, and court testimony rebuttal.

[Full report and link to evidence](#)

False advertising and commercial disparagement

Pegasystems vs Appian, Massachusetts, 2022

This case was resolved before reaching trial. Dr. Marshall was the technical expert witness for Appian on complex software technicalities as well as intricate details on how these were communicated to prospective customers and used to disparage our client. This case included deposition, affirmative and rebuttal reports.

[Article on resolution](#)

U.K.

Failure to deliver a working software solution

Glasgow, Scotland, 2023-

Our client contracted for the supply of an ERP system from a U.K. services provider which failed to deliver. The client then escalated the matter to the U.S.A.-based software supplier who has also failed to deliver a workable system after two years. A report detailing the failings of both providers and their economic impact has been submitted.

Alleged negligence in cybersecurity

London, England, 2023

Dr. Marshall acted for the insurer of a managed service provider who was alleged to have been negligent in their protection of client infrastructure, including failure to provide appropriate disaster recovery capability, resulting in their client, a retail and ecommerce company, being subject to a ransomware attack. A report was submitted that identified why the service delivered by the provider was both adequate and within their contract, and that the attack vector was via a domain managed by the claimant, whose legal representatives have since been unresponsive.

Failure to deliver a working software solution

Edinburgh, Scotland, 2023-

A local government organization commissioned a housing management package from a supplier who has failed to deliver a working solution after five years and significant outlay. The case is still progressing, but Dr. Marshall has submitted a first report clearly identifying the provider's failings and reasons why the project has not delivered a working solution.

Non-payment of a software development contract

Incremental Group vs Hieta Technologies, Edinburgh, Scotland, 2020-2021

In this case, Hieta Technologies was refusing to pay Incremental Group (now part of Telefónica) for work done to deliver a customized ERP system based on Microsoft Dynamics 365.

Lord Ericht, the presiding judge, found in favor of our client, Incremental Group, based on Dr. Marshall's approach to setting out his evidence of value delivered on behalf of the pursuer. This case involved initial, rebuttal, and joint report writing, meeting with the opposing expert witness, and court cross-examination.

[Full judgment](#)

I prefer the evidence of Dr Marshall on this point. He has addressed the correct legal issue. Dr Marshall's opinion was properly grounded in an examination by him of the system as delivered.

Lord Ericht, Judge of the Supreme Courts, Scotland

Unreasonable claims for work delivering a sensitive government project

Confidential, Edinburgh, Scotland, 2020

Dr. Marshall was able to prove that the pursuer's claims for consulting and development fees were both unreasonable and inaccurately stated, and that the fundamental software product had not been conformant to requirements on delivery. The pursuer settled one week after the submission of this report which included a forensic demolition of the claims from the alleged experts representing the pursuer. Further details are sealed.

Areas of Expertise

Dr. Marshall has broad knowledge of Information Technology and can provide expert witness coverage for most information technology related disputes. His experience as an entrepreneur and as a Gartner Analyst provides additional experience in business management, intellectual property, and enterprise requirements. His expertise includes, but is not limited to, the following topics:

- Artificial Intelligence
- Blockchain and crypto
- Cloud Infrastructure
- Customer Relationship Management (CRM)
- Cybersecurity
- Data Analytics
- Digital Resilience
- Disaster Recovery
- Enterprise Resource Planning (ERP)
- Industry Analysts
- Intellectual Property
- Internet of Things
- Location-based Technology
- Machine Learning
- Mobile Technology, Software and Hardware
- Project Management
- Ransomware Attacks
- Requirements Management
- Smartphone Apps
- Software Architecture
- Software Deployment
- Software Development Methods
- Software Development Tools
- Software Patents
- Trade Secret Forensics
- User Experience

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