

CURRICULUM VITAE

DR STEPHEN CASTELL

INDEPENDENT CONSULTING EXPERT

QUALIFICATIONS

PhD, Mathematics, "Certain Transformations in Gas & Magnetogas-Dynamics", University of Nottingham, UK, 1972. Prizewinning PhD Thesis.

MSc, Mathematics, Computer Science and Fluid Mechanics, University of Nottingham, UK, 1969

BSc (First Class) (Honours), Mathematics, Physics and Psychology, University of London, UK, 1968

CITP, Chartered IT Professional

MEMBERSHIPS

Member, the Expert Witness Institute Member, Real Time Club

Accredited Member, Forensic Expert Witness Association, Los Angeles Chapter

Committee Member, British Computer Society Law Specialist Group

Correspondent Panel Member, Computer Law and Security Report

Past Member, Working Groups of British Computer Society's Strategy Review Panel

Past Member, British Computer Society Legal Affairs Committee

<https://archivesit.org.uk/interviews/stephen-castell/>

PERSONAL DEVELOPMENT

Law Society's Directory of Expert Witnesses

Medallist, IT Consultant of The Year, British Computer Society IT Professional Awards, 2004

Corp America, Expert Witness of the Year (Risk Assessment & Management), 2016

Acquisition International, Expert Witness of the Year: Leading Expert Witness from the United States, 2016

Acquisition International/TMT, Excellence Award: Most Outstanding Independent ICT Project Manager, 2016

PROFILE

Dr Stephen Castell is a leading UK professional consultant, and business builder, in the convergent 'digital domains' of IT, telecommunications, broadcasting and the media and has for 45 years been Chairman of CASTELL Consulting, his own consultancy company. Dr Castell specialises in the strategising, planning, management and development of systems and businesses in information and communications technologies, broadcasting and the media, and in analysing and influencing the financial, market, economic, regulatory and legal factors which affect them.

An expert witness in computer software, systems and technology, telecommunications and broadcasting; highly experienced in these fields, in IT contract disputes, failed software and systems implementations, data forensics, and IP, software copyright, patent and trade secrets matters; in telecommunications and broadcasting business; in FinTech; and in software and technology valuation. Increasingly involved in blockchain and cryptocurrency cases, disputes concerning which are proliferating.

Dr Castell established a special reputation in voice telephony and satellite communications, data broadcasting and value-added services and businesses; and in discussing the 'legal reliability' of information systems and technologies. As an Expert Witness in IT&T disputes and litigation, he has been involved in a wide range of cases including the largest and longest software development contract trials in the English High Court and Sydney Supreme Court. He has been instructed as an Expert Witness on hundreds of occasions and given oral testimony on dozens of occasions.

He is also a (CEDR-trained) Mediator and (ICC) Arbitrator.

EXPERIENCE

IT, DATA & TECHNOLOGY EXPERT ASSIGNMENTS: ILLUSTRATIONS

Software Fault, Pro Bono, US (ongoing)

A standout ongoing US case concerning a software fault that occurred during computer-based bar exams. Provided *bro bono* Expert opinion on behalf of a US bar exam student negatively affected by that software fault, involved in a continuing campaign in the US courts: <http://jonathanbolls.blogspot.co.uk/>. This dispute clearly critically concerns the reliability and forensic accountability of computer systems used for computer-based testing for bar exams in all of the fifty states of the US.

Transfer of Undertakings and Business Between Countries Dispute, ICC Paris, France (2017-2018)

Appointed Technical Expert by the Permanent Court of Arbitration, ICC Paris, in regard to a dispute between a global US manufacturing corporation and a sovereign state concerning transfer of undertakings and business between countries, to carry out authentication of circulation and signing of a key electronic document, necessitating identifying, verifying and examining many document creation and transmission systems, and data archives, dating back seven years. Preliminary Report successfully assisted the Tribunal in making its determination.

Software Contract Dispute Claim, US (2017)

Shortly after completing an Expert report for attorneys in Midwest USA, in connection with an arbitration of a software contract dispute involving a major US manufacturing company and an international ERP software vendor, was informed by the attorneys that the case, with multi-million US\$ claims, had settled, saying *"I'm happy to report that we were able to resolve this dispute today. We sincerely appreciate the efforts that you put forward within a very challenging time frame... your report was critical in getting the Claimant to reduce the amount of their claim. Thanks again for your superb work"*.

HMRC Software Investment Dispute, First Tier Tax Appeals Tribunal, UK (2015-2018)

Appointed Expert on behalf of limited liability partnerships, instructed by chartered accountants, in connection with a dispute with HMRC in the UK, heard by the First Tier Tax Appeals Tribunal in January 2018, concerning £100 million+ investments in and valuation of software packages and businesses, and capital allowance aspects thereof. Provided oral testimony and was cross-examined at the hearing. The software was in financial services/stock exchange trading, and online betting and gambling, application areas. The case necessitated intensive technical effort and examination, reconstructing and re-establishing real-time software execution and operability for systems originally developed 10+ years ago, in Asia, the US, and Australia. This presented many challenges, but the systems were successfully resurrected, allowing validation of software functionality, and the carrying out of live demonstrations of online trading transactions, towards underpinning a reasoned and objectively justifiable commercial valuation of the software.

<https://www.pumptax.com/wp-content/uploads/2018/10/Decision-TC.2011.01672-TC.2012.03780-Daarasp-LLP-Betex-LLP-13-September-2018.pdf>

Anglo -v- Paloma, Mayors & City of London County Court, UK (2014)

100-page report as Single Joint Expert for Anglo v Paloma, London County Court Case No: 2MY500008, examining disputed online recruitment industry software. Reported on its content and functionality, and alleged defects highlighted in the amended particulars of claim, as expressed in a jointly-prepared Scott Schedule (provided guidance to both parties and their legal advisers as regards the format and scope).

EYG -v- Technal T&CC, English High Court, UK (2013-2014)

Expert in the English High Court case EYG v Technal, T&CC, Claim No HT-13-64, on behalf of RSA PI insurers, concerning software for calculating 'U Values' for windows used in a London residential development, and the problems encountered from condensation in dwellings alleged to be due to incorrectly determined U Values. A detailed analysis was carried out of the allegations, the BSI/European building and insulation standards applicable, and the physics and mathematical modelling involved, together with the software applications written and how they were used, with what data etc. the preliminary reports and affidavits served to persuade the software supplier to cease its claim that its methodologies had been sound, and the dispute proceeded to settlement through mediation.

Expert Research for Patent Case, US (2012-2013)

Instructed by US law firm Patterson Thunete Pedersen, P.A. to carry out Expert research on early devices, software and systems in regard to applications providing online / mobile surveys / questionnaires / feedback. This was in connection with identifying prior art, on behalf of Kaspersky Lab, for a significant US patent case, which concluded in October 2013, achieving a remarkable outcome for the 'patent troll industry'.

Government Data Centre Dispute, English High Court, UK (2010)

Appointed Expert on behalf of one of the largest international oil industry companies in its dispute over the quantum of damages appropriate for replacement of a government data centre after its destruction in an explosion, with a claim for over £10 million. Expert audit, loss verification, capacity assessment, and analyses and 'technical refresh cycle' modelling of a schedule of hundreds of items of high-end mainframe, server and datacommunications ICT equipment were carried out. Expert report, served into Court, provided professional quantitatively and commercially justified technical estimates and opinions as to the proper replacement values. As a result, settlement of the dispute on satisfactory terms was achieved days before a trial was due to start in the English High Court.

IT Systems Contract Case, NSW Supreme Court, Sydney, Australia (2010-2012)

Appointed Expert in a high-profile IT systems contract case in the NSW Supreme Court concerning the failed 'TCard' Integrated Ticketing and Transport System project there. This, the largest complex software development contract case to date in Australia, involved a claim for AU\$90 million, with a cross-claim for AU\$200 million+. The case settled days before the trial was due to commence, partly as a result of the Expert reports produced, together with insightful and robust conduct of the 'Expert conclave' process.

EMPLOYMENT HISTORY

1978-present **Castell Computer and Systems Telecommunications Ltd .**
Witham, Essex, UK
Chairman

1975-1978 **Bremar Holdings Ltd.**
London, UK
Manager, Group Management Services

1974-1975 **Touche Ross & Co.**
London, UK
Management Consultant

1973-1974 **Bearing Research Centre, RHP plc.**
Chelmsford, Essex, UK
Senior Mathematician

1971-1973 **Chalfont Park Research Laboratories, BACo plc.**
Chalfont St Peter, Buckinghamshire, UK
Applied Mathematician

TESTIMONIALS

"Dr Castell is in many respects unique in the totally professional and stunningly effective way he makes things happen and gets things done for his clients and business partners. If you want results, economically, on time, and with high quality implementation, go to Dr Castell." **Chairman, ICTHA SA, Luxembourg.**

“Thank you for your incredible commitment, professionalism and hard work in advising and assisting the Company ... you and all your team have worked far and away beyond what could reasonably have been expected of you ... the skill and expertise of our advisers ... achieving a successful outcome. Many thanks ... for your all your advice, assistance and support.”

Andrew Cooper, Head of Legal Services, AirTours (now MyTravel plc)

“I found Dr Castell to be an honest and conscientious witness.”

HHJ David Richards, Judgement of 3 May 2005 [2005] EWHC 749 (Ch)

The Hon. Mr. Justice McKinnon referred to "Dr. Castell's helpful report" in his Judgment of 05 July 2005, Case No: HQ0101509; Neutral Citation Number: 2005 EWHC 1334 (QB).

“Stephen's key attributes are:

- A real expert in large scale/complex computer software products.
- An ability to understand the perspectives of both supplier and customer.
- Someone who recognises the inherent complexities in achieving a satisfactory implementation of large bespoke contracts and, as importantly, the difficult technical elements therein.
- Outspoken and very fair in opinions given - objective in all he does regardless of who is paying.
- A pioneer in the forensic science of software systems analysis, bringing a large intellect and access to a team of experts in different fields of technology.”

Ross Graham, Corporate Development Director, Misys plc.

"I have worked with Stephen for over twenty years, on a wide variety of significant and complex ICT disputes that have been in litigation or arbitration, many involving also leading TMT insurers. He has always brought cost-effective energy, efficiency, rigour, independence of mind, penetrating analysis and uniquely illuminating insights to his expert investigations on behalf of my clients, delivering clear, comprehensive and readily-understandable expert reports that have invariably assisted in accelerating the dispute resolution process and, more often than not, have resulted in very satisfactory settlements without the high costs of going to full trial."

Nicholas Gibbons, Partner, BLM

PUBLICATIONS & PAPERS

A large number of papers and articles in national, international, professional, trade and technical press on IT, mathematical, technology, finance and investment subjects. A selected representative list below:

“**Private Datapods: Web 3.0 does not Automatically Mean Blockchain Decentralization**”, *Studies in Social Science Research*, Vol 3, No 2 (2022), *June 2022*.

“**AT LAST A REALLY SOCIALLY USEFUL STABLECOIN: SNUT (THE SPECIALIZED NATIONAL UTILITY TOKEN)**”, *Journal of Financial Transformation*, volume 55, *May 2022*, pp 94-99.

“**Disputes over Automated Decision Systems: Algorithmic Assessments by ICT Forensic Expert Witnesses**”, *Expert Witness Journal*, international edition, Issue 42, *April 2022*, ISSN 2397 -2769, pp 50-543.

“**A trial relying on computer evidence should start with a trial of the computer evidence**”, *OPINION*, *Computer Weekly*, *22 Dec 2021*, “Learning from the Post Office Horizon scandal: ‘The most widespread miscarriage of justice in recent British legal history’ ...”.
<https://www.computerweekly.com/opinion/A-trial-relying-on-computer-evidence-should-start-with-a-trial-of-the-computer-evidence>

“**Direct Government by Algorithm. Towards Establishing and Maintaining Trust when Artificial Intelligence Makes the Law: a New Algorithmic Trust Compact with the People**”, *Acta Scientific Computer Sciences* 3.12 (2021): 04-21, November 10, 2021.

“Slaying the Crypto Dragons: Towards a *CryptoSure* Trust Model for Crypto-economics”, 25 March 2021. Chapter in Patnaik S., Wang TS., Shen T., Panigrahi S.K. (eds) Blockchain Technology and Innovations in Business Processes. Smart Innovation, Systems and Technologies, vol 219. Springer, Singapore, pp 49-65. https://doi.org/10.1007/978-981-33-6470-7_4

“The Fundamental Articles of I.AM Cyborg Law”, Beijing Law Review, Vol.11 No.4, *December 2020*. DOI: 10.4236/blr.2020.114055.

“The future decisions of RoboJudge HHJ Arthur Ian Blockchain: Dread, delight or derision?”, Computer Law & Security Review, Volume 34, Issue 4, pp 739-753, *August 2018*. The Landmark 200th issue of CLSR under the Editorship of Emeritus Professor Steve Saxby. <https://doi.org/10.1016/j.clsr.2018.05.011>.

“Forensic Systems Analysis: A Methodology for Assessment and Avoidance of IT Disasters and Disputes”, issued as a Cutter Consortium Executive Report, Enterprise Risk Management & Governance Advisory Service series, Vol. 3, No. 2, *8 March 2006*

“Role of the IT expert witness: The role of the IT expert witness in software and systems development/implementation contract disputes and litigation”, Computer Law & Security Review 19(3):228–231, *May 2003*. https://www.researchgate.net/publication/257101685_Role_of_the_IT_expert_witness_The_role_of_the_IT_expert_witness_in_software_and_systems_developmentimplementation_contract_disputes_and_litigation

“The APPEAL Report”, a major study commissioned by the CCTA (H M Treasury) on admissibility of computer evidence in court and the legal reliability / security of IT systems, *May 1990*

Bestseller book **“Computer Bluff”**, published by Quatermaine House, UK, 1983, ISBN 0 905898 15 X, *“The Which Computer book for people who know nothing about computers ... and would like to have left it that way”*.

PRESENTATIONS & SPEAKER ENGAGEMENTS

Many appearances at international conferences to present papers on topics such as information services, software, databroadcasting, satellite business services, digital television, computer evidence, venture capital, enterprise management, litigation and ADR.

“Avoiding IT Disasters – the Expert Way”, course first held Nice, France, *March 2005*

Invited Keynote Speaker at the Inaugural Blockchain and Cryptocurrency Congress (B2C' 2022), 9-11 November 2022, Barcelona, Spain: **“Private Datapods and the Future Web 3.0 Do Not Automatically Mean Blockchain”**. <https://b2c-conference.com/programme.html> <https://b2c-conference.com/index.html>

LANGUAGES

English (native)

German (working professional proficiency)

French (working professional proficiency)

Dr Stephen Castell CIPF CPhys FIMA MEWI MIOd
Chairman, CASTELL Consulting
PO Box 334, Witham, Essex CM8 3LP, UK
Tel: +44 1621 891 776 Mob: +44 7831 349 162
PO Box 270529, San Diego, CA 92198, USA
Tel: +1 310-890-9859
Email: stephen@castellconsulting.com
<http://www.e-expertwitness.co.uk>
<https://archivesit.org.uk/interviews/stephen-castell/>