‘Man A’ and ‘Man B’

‘Man A’ masterminds a theft to steal $1,000,000 from his employer. ‘Man A’ actually steals $999,999 and ‘Man B’ is persuaded to take $1. ‘Man A’ then proceeds to squander his $999,999. When the crime is discovered, a clever legal eagle supporting the employer manages to attain a ‘Joint and Several’ judgement against ‘Man A’ and ‘Man B’. Therefore, ‘Man B’, who was persuaded to take $1, is now liable to pay back the full $1,000,000 whilst ‘Man A’ wanders off into the sunset to start a new life. Is that fair? Is that justice?

That is a ‘Joint and Several’ judgement.

The above fictional and simple story of ‘Man A’ and ‘Man B’ is how the law works but is it justice? Let’s look at a real life application of a judgement:

The ‘Global Corporation’ has a lot of money but does not implement acceptable financial controls and practices in order to ensure the security of its funds. External auditors advise over many years that ‘Global Corporation’ must tighten up it’s financial controls but ‘Global Corporation’ ignores the advice.

A ‘Senior Manager’ realises this and identifies a bank account holding $1,000,000 for which there are no financial controls whatsoever.

‘Consultant’ works as a subcontractor for ‘Global Corporation’ and is successful in winning much business throughout the world for ‘Global Corporation’

‘Consultant’ reports to ‘Senior Manager’ as his primary central contact in ‘Global Corporation’.

‘Senior Manager’ deceives ‘Consultant’ into transferring funds from ‘Global Corporation’ to an external company created seemingly on instructions from ‘Global Corporation’ to support a new global venture in association with the United Nations.

From this external company, ‘Senior Manager’ draws his ill-gotten gains of almost $1,000,000 and within a short time had squandered the money.

When the crime came to light some years later there were two court processes. ‘Global Corporation’ mounted a civil action where they distorted the facts in order to achieve a ‘Joint and Several’ judgement against ‘Senior Manager’ and ‘Consultant’. Hard working and honest ‘Consultant’ became liable to repaying $1,000,000 that he did not take.

In a criminal trial over three years later, ‘Consultant’ was found not guilty of conspiracy and fraud and the Judge accepted that ‘Consultant’ had been inveigled against his will.

However, ‘Global Corporation’ aggressively pursued ‘Consultant’ to destruction.

I am Stan Mole, ‘Consultant’, ‘Man B’, and my book *Inveigled* tells the story of the destruction brought about by NCR Corporation (‘Global Corporation’).