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Thomas has developed his practice over the past three decades, focusing primarily on commercial and complex business litigation & bankruptcy insolvency litigation. He regularly assists business entities of all sizes, private equity, governmental units & agencies, and multinational business conglomerates, throughout the United States and Western Europe. With extensive experience in all facets of cross border insolvencies and litigation, he is regularly engaged by clients to

provide counsel on a wide range of commercial and complex business disputes including cross border insolvency issues, with particular emphasis on United States/Western Europe jurisdictions.

Over the years he has cultivated extensive knowledge and expertise in the complex business litigation arena as lead counsel on various matters spanning, business torts, commercial disputes, veil piercings, corporate officer and director liability, successor liability, fraudulent conveyance and transfer litigation and constructive trust litigation, and all matters of bankruptcy & insolvency litigation. He has experience counselling clients on distressed M&A transactions, corporate governance issues and complex business restructurings. He also has significant experience representing financial institutions in workouts and foreclosures of aircraft, yachts, commercial vessels and related international equipment and has recovered and repossessed same in various jurisdictions throughout the United States.

With offices in Austin, Boston, Fort Lauderdale, Fort Myers, London, New York, Stamford and Tampa, Curran Antonelli represents a wide variety of individuals, businesses and corporate entities, and governmental agencies in litigation and transactional matters throughout the United States and Western Europe. We have navigated a broad range of commercial litigation cases, including cross border insolvency, institutional creditors' rights, bet the company litigation, and have earned a winning track record throughout our jurisdictional footprint.

Our corporate group advises entrepreneurs, investment partnerships, private equity funds and venture capital firms on the legal, business and financial issues related to forming, financing, buying and selling, and investing in businesses. We counsel domestic and foreign firms in inward and outbound investments in a range of industries, including sports and entertainment, finance, communications, manufacturing, retail and consumer, and commercial real estate. Our corporate team draws seamlessly on the firm's collective experience for our business clients.

With our innovative and aggressive approach to complex litigation challenges, we consistently and effectively deliver unparalleled value to our clients. Our experienced and dedicated lawyers are well known for their innovative strategies, litigation expertise, and unfailing delivery of the exceptional results our clients seek.

**QUESTION ONE**  
**Should businesses be wary of losing important evidence/corporate communication records in a shift to hybrid working? What steps can they take to protect themselves?**

We are all well entrenched in the digital age with emails, texts, Slack, etc., which can give companies and organisations a false sense of security due to the increased documentation of organisational communications. However, the rapid shift towards hybrid working has created an increased risk of inadvertent organisational communications loss. Electronically

stored information (ESI), has become one of the most important factors in hybrid work environments. Every element of ESI will, and should, be preserved, with redundancy, for an extended period of time.

Though organisations should always be wary of losing critical corporate data and information, the advent of hybrid/remote working can heighten these concerns, if proper data storage procedures are not implemented and consistently maintained. Companies should initiate, and enforce, daily back up routines and practices to ensure their data is safe and stored. As workforce interaction becomes more electronic and less face-to-face, communications will move towards digital recordings, therefore adequate preservation protocols must be designed and implemented. This will greatly assist an organisation in defending itself if/when a dispute should arise. Collaboration with IT professionals on how to best tailor data and communication storage for future collection and data mining is critical.

**QUESTION TWO**  
**What are the most common working from home/hybrid working pitfalls that businesses need to be aware of when involved in, or exploring, disputes today?**

The biggest challenge in resolving disputes is the inability to be in the same room as the employees you are attempting to placate. You lose the 'in person' effect of meeting the individuals and feeling their presence. The artificial presence of Zoom or Teams is a poor substitute for in-person interaction.

Another concern in the hybrid/WFH environment is losing touch with employees, and not knowing of the existence of an ongoing dispute until it's too late. Managers should be maintaining regular contact with their team, to ensure their needs are met, and consider scheduling regular open floor meetings where everyone has a forum to raise any issues they are experiencing. This approach should establish and encourage clear avenues for reporting any issues that escalate to a serious level.

Companies also need to ensure employees are appropriately dressed and professionally prepared for all hybrid/remote meetings, including Zoom/Teams.

**QUESTION THREE**  
**Is hybrid working likely to increase employment disputes in the future, and what should businesses do now to prepare for this?**

It cuts both ways. On one hand, the reduction of in-person interaction lessens the likelihood of offhand (and inappropriate) comments in the workplace that can lead to harassment or workplace-related claims. On the other hand, where Zoom meetings may be recorded, certain inappropriate comments are now on the record and not just hearsay. It is hard to deny you said something when it's on video.

Similarly, the new normal of working from home severely restricts employers from claiming the requested accommodation of working from home is 'unduly burdensome.' Indeed, working from home is now, for many, a reasonable accommodation and extremely difficult for an employer to refuse (with obvious exceptions, of course, for specific

**TOP TIPS**  
**Successfully managing the hybrid work place**

**Secure ESI:** All electronically stored information must be made secure by implementing proper systems to ensure that same information is kept for an extended period. This will include videos, emails, etc. Because the amount of ESI available with the new hybrid model of work will be extensively larger, it is important to make sure that this is a top priority for protection of the company in any possible dispute.

**Update policy manuals and complaint processes:** Policy Manuals need to be updated to include off-site work as well as hybrid work methods, including new processes for employees to file complaints, as employees may not have the opportunity to make complaints face-to-face in the new model. Streamlining policies across departments will assist the company with responding to the same.

**Foster open communication:** Create an open environment, conducive to communication, order to facilitate information exchange between employees and management. Mental health will be a top priority with employees working remotely or in a hybrid model; by broaching this subject from the top down, it can ease employees' discomfort in asking for help or raising attention to a problem.

**“One concern in a hybrid/WFH environment is losing touch with employees, and not knowing about a dispute until it is too late.”**

industries that require employees to be on site). It has certainly altered the accommodation landscape.

It's hard to tell if the number of disputes will increase, but disputes will likely manifest in new ways. For example, there will inevitably be sexual harassment, retaliation, and other such suits arising from disputes between employees who have never been in the same physical space. There may also be disputes arising from an employee's interpretation of a written email or message from a co-worker, such as reading in an aggressive tone or sarcasm, which may or may not have been the sender's intention.

In this regard, companies should have clear policies in place mandating appropriate manners in which to address co-workers in writing, and avoiding messages which could be interpreted negatively.