**Tuesday, October 20
2:30 pm–4:00 pm**

1107 Growing Green IT

David Baumann
Senior Vice President and General Counsel
TechNexxus LLC

Douglas Green
Attorney

Iain Morton
Senior Vice President, General Counsel, Americas Region
Fairmont Raffles Hotels International

Jason O'Connell
Counsel
American Express Company

Faculty Biographies

David Baumann

David Baumann is the senior vice president and general counsel of TechNexxus, LLC, a company specializing in business, technology and legal consulting for IT and business process outsourcing, supply chain optimization, environmental technologies, green IT, management of hazardous conditions, advanced media technologies and social commerce.

Prior to joining TechNexxus, Mr. Baumann was a senior equity partner in several top law firms (e.g., DLA Piper, Mintz Levin, LB3, Winston & Strawn) where he led the information and communications technology departments, as well as their environmental management and OSHA departments. During Mr. Baumann's career he was one of the founding partners, vice president and general counsel of Technology Partners International (TPI), currently the largest IT and business process outsourcing consulting company; division counsel for the southeast division of MCI Telecommunications; and head of the construction, OSHA and environmental management legal department of MCI. Mr. Baumann has also developed several successful software applications, including Utilicom, the McKesson Supply Chain and Inventory Optimization Systems and Fusetalk.

Mr. Baumann earned his JD from Case Western Reserve University where he was associate editor of the school's law review. He received dual bachelor's degrees, with distinction and highest honors, from the University of Rochester and Eastman School of Music, where he also completed a graduate level internship at the Rochester Center for Visual Studies and Laser Lab.

Douglas Green

Douglas Green works for Axiom Legal. He is currently on assignment in the technology practice group at Citbank.

Most recently, Mr. Green worked in the office of general counsel at Merrill Lynch, in the company's technology and intellectual property group. Previously, he worked for Holland & Knight and began his career as a systems analyst in the Washington, DC area, where he worked for the Systems Research and Applications Corporation.

Mr. Green graduated from Cardozo Law School and received a BA from George Washington University, as well as a MA.

Iain Morton

Iain Morton is the senior vice president, general counsel, Americas for Fairmont Raffles Hotels International, a leading global hotel company under the Raffles, Fairmont and Swissôtel brands. He is responsible for the negotiation of new hotel developments and conversions in the Americas and for the management of the hotel operator's rights and obligations under the hotel management and related agreements for the current hotels in the three portfolios. He is also Fairmont's privacy officer.

Prior to joining Fairmont Raffles, Mr. Morton was a partner in business law at McCarthy Tetrault LLP in Toronto.

Jason O'Connell

Jason O'Connell is counsel at American Express. His responsibilities include providing legal counsel and strategic advice to various front office businesses and back office functions with respect to transactions or initiatives involving the use of technology, including for example outsourcing, managed services, licensing, hosting, development and consulting arrangements.

Prior to joining American Express, Mr. O'Connell served as senior vice president and counsel at Citigroup Global Markets Inc. His primary responsibilities when he left included managing the technology and market data needs of the fixed income, currencies and commodities businesses from a legal perspective. Mr. O'Connell also worked as an associate at Clifford Chance in New York, and at Arthur Robinson & Hedderwicks (n/k/a Allens Arthur Robinson) in Melbourne, Australia.

He currently serves on American Express' Pro Bono Committee, and is working with Human Rights First in representing an immigrant seeking asylum in the US.

Mr. O'Connell received his BA from Colgate University and his JD from Boston University School of Law.

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GREEN IT
&
NEW TECHNOLOGIES

Douglas Green

INTRODUCTION

GREEN IT:

Is **NOT** the primary driver behind your IT
transactions

BUT

Is a goal you should pursue because it makes
GOOD BUSINESS SENSE

DATA CENTER TECHNOLOGIES

- Cloud Computing

- Virtualization

- Storage

CLOUD COMPUTING

- Historically
  - IT infrastructure maintained in-house

- Definition of "Cloud Computing"

- Benefits of the Cloud Approach
  -- "Green" & Otherwise

LEGAL ISSUES OF THE CLOUD

SECURITY, CONTROL & PRIVACY

Control of your data is no longer IN YOUR HANDS

- **THREATS**

  1. Who has access to your data?
  2. Hackers
  3. Bankruptcy
  4. Data Loss

WHAT'S THE SOLUTION?

- Best of both worlds approach:

  – "Public" versus "Private" clouds

VIRTUALIZATION

- History
- What is virtualization?
- 3 primary categories:
  a) *Storage virtualization*

  b) N*etwork virtualization*

  c) S*erver virtualization*

VIRTUALIZATION BENEFITS

COST SAVINGS: Reducing the number of servers you need to run your business:

1) Reduces power consumption:
   - from the servers themselves; and
   - from the facilities' cooling systems

3) More efficient use of computing resources gives you cheaper overall data center operating costs.

4) A smaller server footprint is simpler to manage.

5) Additional benefits:
   - enhances application development;
   - converts your server farm into a seamless pool of computing resources;
   - consolidates storage and network operations;
   - helps with system availability, disaster recovery and load balancing.

STORAGE

WHAT'S THE PROBLEM?

1. Storage growth rates
2. Green IT - Since many companies (especially legal departments) never throw anything away, companies continually have to buy more storage equipment:

higher energy bills → higher carbon emissions

more e-waste

STORAGE REQUIREMENTS ARE GROWING AT A SUPER LINEAR PACE*

* Exaflood

WHY THE MASSIVE INCREASE?

1) Compete more effectively
2) Better target your clients

LEGAL DRIVERS

1) Gramm-Leach-Bliley Act
   15 USC, Subchapter I, Sec. 6801-6809
   Disclosure of Nonpublic Personal Information

2) Sarbanes-Oxley Act of 2002

3) "Red Flag" Requirements to Help Fight Identity Theft for Financial Institutions and Creditors

4) Business Continuity Requirements

Point for Green IT: you can virtualize and consolidate your data centers all you want, but if you don't address the storage issues your data center power consumption requirements will continue to grow at an unacceptable rate.

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SOLUTIONS
TECHNICAL & LEGAL

I. TECHNICAL

<u>Storage Capacity Optimization (SCO) technologies</u>:

1) Thin provisioning
2) Date deduplication

II. LEGAL ISSUE

<u>Problem</u>: the solution is to delete data. But how do you establish the legal guidelines for implementing retention and deletion schedules to meet all of your firm's litigation and regulatory requirements?

SOURCES

1) InfoWorld, APRIL 07, 2008, "What Cloud Computing Really Means", Eric Knorr, Galen Gruman

2) Infoworld, JUNE 18, 2009, Column "Sustainable IT" – "7 Green Technologies Poised for Success" , Ted Samson,

3) #2 citing Forrester Study, "TechRadar I&O for Professionals: Green IT 1.0 Technologies, Q2 2009," Doug Washburn

4)Infoworld, AUGUST 10, 2009, COLUMN "THE DEEP END" "Why a 'protective' techie just can't trust the cloud", PAUL VENEZIA

5) CIO, Virtualization Definition and Solutions - Virtualization topics covering definition, objectives, systems and solutions, John K. Waters

6) Computer Technology Review, APRIL 25, 2007, GREEN STORAGE: STRATEGIES FOR ENHANCING ENERGY EFFICIENCY, Bob Wambach

7) http://www.ftc.gov/privacy/glbact/glbsub1.htm

8) http://www.ftc.gov/bcp/edu/pubs/business/alerts/alt050.shtm

ACC Extras

Supplemental resources available on www.acc.com

How to Reduce Energy Costs in IT Outsourcing and Data Centers Through
GreenTech.
Quick Reference. February 2009
http://www.acc.com/legalresources/resource.cfm?show=199077

The Regulatory Technology Future after the Merger of Telecom IT.
Program Material. March 2006
http://www.acc.com/legalresources/resource.cfm?show=20326

Top Ten Tips for Being Green in Your Professional Life.
Quick Reference. April 2009
http://www.acc.com/legalresources/resource.cfm?show=196372

Please note, these additional resources are provided by the Association of Corporate
Counsel and not by the faculty of this session.