

**RESPONSE TO ARTICLE IN *NOTA BENE*, Vol. 26, No. 9, p. 5**

February 21, 2012

Hey GW Law:

In *Nota Bene's* excellent 2012 SBA Election Issue (<http://www.thenotabene.org/wp-content/uploads/2012/02/2012-SBA-Election-Issue.pdf>, page 5), a second-year student writes an incomplete and misleading account of his demand to be sent the SBA Executive Budget on the day before this past holiday weekend. In it, he describes his request and my ostensible denial. The account fails to mention a few key details; namely, that I specifically informed him that unless he could explain a pressing need to view information immediately, I would be happy to notify him individually when a financial report on the SBA (currently underway) was ready in the near future.

His response? "I guess we'll just have to agree to disagree on this issue."

Under the guise of a concerned member of the community interested in transparency and accountability, this student crafted a stunt that he could use to make a political statement in endorsing a candidate for SBA President. That is unfortunate. And it is, in my view, hypocritical to decry a lack of transparency after making an opaque request.

Thankfully, this brand of dishonesty has not at all been part of my SBA experience, and is completely alien to my experience at GW Law. As always, if you have any questions about my response below, or anything else, please feel free to e-mail me.

Best,  
Nick

## The Student's Request

I was e-mailed shortly before midnight on Thursday evening, four days before the writing of this response and just before President's Day weekend, with a request to send a student the SBA Executive Budget "as soon as possible," because he wouldn't "be in town this weekend due to the holiday." In the ten months since I have been SBA President, this was the first time any student has requested to view any SBA financials, which are kept on a secure server that is accessible from our offices.

The next day, during a lull in a 12-hour class (and during business hours), I responded to this student, asking whether there was any specific reason for his request and how he intended to use the requested information. I reminded him that as the leader of a large organization of many moving parts, which is accountable to more than two thousand people, "it would be imprudent of me to e-mail SBA financial information pursuant to just any bare request."

By doing so, I thought I was offering him the opportunity to explain any possible circumstances surrounding the request. I still feel that as the leader of an organization that represents more than 2,300 students, I have the duty to exercise due diligence before disclosing any information subject to my discretion, let alone the entirety of that organization's financial information.

However, rather than disclose, in good faith, that he intended to prepare a statement for *Nota Bene* detailing his request, and that he is a registered member of the official campaign staff of an SBA presidential candidate, the student only said that he intended to review it "to perhaps understand what about it might legitimately need to be kept private, because I am frankly at a loss to understand why it's not publicly available."

I ultimately denied the request, and explained my reasons for doing so (see the e-mails below). I also explained that even if I were to share the budget at that time, I would do so in person and not by e-mailing the excel file maintained by the SBA's VP of Finance. Doing so would allow me to answer any questions, explain any figures, or clarify any misunderstandings.

Lastly, and perhaps most importantly, I informed the student that I have been in the process of preparing an SBA financial report, and that "[u]nless you have some other pressing need to view the information immediately, I'm happy to notify you when it is ready and you will be welcome to come and review it at the SBA office." (This important bit is conveniently missing from the student's account.) Again, the student did not take this second opportunity to explain that he intended to write about this and that he was on a campaign staff.

The e-mails have been copied and pasted below, with the student's name redacted for the sake of privacy.

## What's in the SBA Budget

As mentioned above, I have been working on the best way to prepare a version of the SBA budget for public consumption. I think releasing such a document days before the SBA election would tend to unfairly skew the debate, so you probably won't see it today or tomorrow. In the meantime, to get a somewhat accurate description of how SBA budgeting happens, check out this piece (<http://www.thenotabene.org/2011/10/26/direct-funding-of-student-organizations-elizabeth-confalone/>) in *Nota Bene* from October 2011, when the representatives from both the Executive and Legislative branches of the SBA sat down to explain to a reporter all about how student money is spent. I'm pretty sure that once the financial report is made public, anybody who chooses to view it will wonder what the fuss was about; to assert otherwise is to invent a problem that doesn't exist.

How much of your money does the SBA spends on Barrister's Ball, a transition dinner or Bar Review? None.

While a lot of talk has been had lately about the need for the SBA to be accountable for how it spends student's fees, here are a few calculations that, I think, should put any skeptics at ease:

- The SBA has three sources of funding: (1) the Student Activity Fee; (2) an allocation from the Law School Dean; and (3) self-generated revenue (which comprises about half of the SBA budget, and comes from ticket sales, locker sales, etc.);
- The SBA spends 1.35 times more on directly funding student organization budgets and providing ad hoc and emergency funds for student organizations than it receives from law students' Student Activity Fees;
- Only 0.20% of SBA revenue that can be in any way attributed to student tuition dollars (Student Activity Fee and Dean's Allocation) is not either (i) remitted to student organizations (most) or (ii) attributable to Student Affairs activities (including finals study food, Internal Writing Competition, Minority Affairs Committee, and Grad Week) (some);
- Only 0.18% of all other SBA expenditures come from revenue that can be in any way attributed to student tuition dollars (Student Activity Fee and Dean's Allocation);
- These expenses include events like Orientation; Wellness Wednesdays; Ski Trip; Bar Reviews; community service events; ABA-related activities; and hallmark events like Barrister's Ball, the Halloween Party or Dean's Jeans Day;
- 99.82% of SBA expenses that are not either remitted to student organizations (most) or attributable to Student Affairs activities (some) are derived from self-generated revenues.

Any student who has questions about those figures is welcome to e-mail me, schedule a meeting, or contact their SBA Senator.

## **My Record on Transparency and Accountability**

I think if the worst that can be said about my record on transparency and accountability is that I didn't e-mail a student the SBA budget the day before a holiday weekend, I'm in good shape. While I initially thought I would not respond to this article, I thought better of letting misleading allegations that are now part of my digital footprint go unchecked. I stand by my actions, by the actions of the SBA, and by the transparency and accountability with which my administration has operated during this school year.

One political stunt does not change that.

For nearly ten months, I have dedicated more time working on SBA issues than literally any other part of my life, including academics and family. This includes a meeting I had with the Law School Deans in which I began an ongoing request for increased funds that the SBA would give directly to student organizations. The deans did not deny this request; rather, they informed me that if the SBA could demonstrate a need on the part of the student groups, they would do their best to meet that need.

As a result, I informed student groups during the first weeks of the 2011-2012 school year that we would work together to achieve this goal, and it has been an ongoing process. Rome wasn't built in a day, nothing is achieved through demands, and the SBA has worked hard to encourage cooperation. I'm proud of that work.

In almost all other areas of the SBA, I have made it my duty to be open and honest with individual students, level with student groups, and keep the student body abreast of all activities of the SBA, including arguing for a revised CADE policy (which has so far been successful), lending support for a new journal on campus (for which we are now a finalist), and hosting SBA Senate minutes on GWSBA.com (which I myself posted on January 25, 2012). I've also made it a point to improve communication with students by recreating GWSBA.com and the weekly SBA Newsletter, and innovating in other areas as well. Most recently, I experimented with hosting the SBA Town Hall Debates in a public space earlier in the day in order to increase student awareness and accountability of SBA candidates.

As the above figures show, virtually all of the money the SBA receives that is in any way related to student tuition (whether it be through the Student Activity Fee or through a lump sum given to us by the Dean) goes either directly to student organizations or can be attributed to Student Affairs expenses. I think the GW Law community should be proud that their Student Bar Association makes it a priority to spend students' money so responsibly.

I know I am.

## The E-mails

From: Student  
Date: Thu, Feb 16, 2012 at 11:12 PM  
Subject: SBA Budget Request  
To: Nick

Hi Nick,

I would like to see the SBA Executive Budget. I won't be in town this weekend due to the holiday, but would like to view it as soon as possible so could you email it?

Thanks,  
Student

From: Nick  
Date: February 17, 2012 11:54:20 AM EST  
To: Student  
Subject: Re: SBA Budget Request

Dear Student:

Thanks for your e-mail and your interest in the business of the SBA. Would you be able to flesh out your request a bit more? Do you have a specific reason for asking for the material? How do you intend to use it? I'm sure you appreciate that it would be imprudent of me to e-mail SBA financial information pursuant to just any bare request.

Thanks in advance.

Best,  
Nick

From: Student  
Date: Fri, Feb 17, 2012 at 12:33 PM  
Subject: Re: SBA Budget Request  
To: Nick

Hi Nick,

Thanks for getting back to me. The reason my request is so "bare" is that I don't know enough about the budget to know what to look at specifically, because it is not publicly available. I intend to review it, to perhaps understand what about it might legitimately need to be kept private, because I am frankly at a loss to understand why it's not publicly available.

That is the extent to which I can flesh out my request. I realize it is broad but assuming it is contained in a single document (or a few documents) I don't see a reason to have to request specific portions.

Thanks,  
Student

From: Nick  
Date: Fri, Feb 17, 2012 at 1:47 PM  
Subject: Re: SBA Budget Request  
To: Student  
Cc: SBA Presidential Candidates

Student:

Thanks again for your e-mail. I understand your concerns and appreciate your interest.

If and when I do share the SBA budget, or portions of it, I will unfortunately not be sharing native files, and will likely not share full dollar amounts. I feel quite strongly that doing otherwise would be highly irresponsible of me or any future SBA president. I know that my two immediate predecessors felt the same way.

There are a number of reasons why SBA financial information should not float around, which I won't go into, which include voluntarily subjecting the SBA to unwarranted scrutiny of all aspects of our spending, but which certainly do not include trying to pull the wool over students' eyes.

I am, however, currently working on a financial report with VP of Finance, Shirley Liang. Unless you have some other pressing need to view the information immediately, I'm happy to notify you when it is ready and you will be welcome to come and review it at the SBA office.

Best,  
Nick

From: Student  
Date: Fri, Feb 17, 2012 at 2:12 PM  
Subject: Re: SBA Budget Request  
To: Nick  
Cc: SBA Presidential Candidates

Hey Nick,

I guess we'll just have to agree to disagree on this issue. Thank you again for your prompt response. Student

