

McMillan Academy of Law

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December 19, 2017

George Leal, Program Manager, Educational Standard
The State Bar of California
180 Howard Street
San Francisco CA 94105

Dear Mr. George Leal

McMillan Academy of Law is in receipt of the Notice of Non-Compliance dated December 2, 2017 [hereinafter the Notice], as well a copy of Periodic Inspection Report [hereinafter the Report], completed by Ms. Sally Perring, a consultant for the Economic Standards Office, and a memorandum authored by Mr. George Leal, all of which were sent to the Education Standards Subcommittee of the CBE. Please consider this letter our response to the Notice of Non-Compliance. The fee required of \$924 as requested in the Notice was previously tendered.

We at the McMillan Academy of Law [hereinafter MAOL] take not only the Notice of Non-Compliance extremely seriously, we are also mindful of all suggested actions outlined in you're the Report. MAOL is now in the process of correcting all required actions as well as those suggested and proposed in the Report. We will address each item individually below.

We also wanted to take this opportunity inform the Educational Standards Committee that MAOL is excited to announce that it already has an incoming class enrolled for the upcoming quarter, and will resume classes in January of 2018. MAOL has also hired a new professor for the upcoming academic year. Cumulatively, this will help ensure a promising future for MAOL, its students, faculty and professors, and legal community. We look forward to a optimistic and encouraging upcoming academic year.

Recommended Mandatory Actions

The first item where mandatory action is recommended in the report indicates to be compliant with Guideline 2.3©, MAOL must review, revise and delete from all of its materials, both hardcopy and electronic, any and all references to the Bureau of Postsecondary, Private Education [hereinafter BPPE) and the Student Tuition Recovery Fund [hereinafter STRF], as

each is noted in its program of legal education.

At this time, MAOL has already updated its website to reflect the current information. All references to the BPPE and the STRF have been removed from the website to ensure that all communications are in an accurate, honest, and forthright manner. The website also no longer provides any information on any individual or joint MBA program. We have already updated all hardcopies of any information, manuals, or disclosure provided to students to reflect the same changes, removing all references to the BPPE and the STRF. Those hardcopies are now available for download on from MAOL's website. By adjusting both the electronic and hardcopy versions, this will ensure there is no inaccurate or confusing information being disseminated to entering students. We have attached the updated catalog (**EXHIBIT A**) to show the referenced changes.

The second item where mandatory action is recommended in the report indicates to be compliant with Guideline 2.3(D), the MAOL must review, revise and correct all information and data reported on its written Disclosure Statement required by Rule 4.241 and its Information Report Form required by Business and Professions Code, sec. 6061.7(a). MAOL has revised its disclosure statement on both the website, and in hard copy form. This includes both the required disclosure for Rule 4.241 as well as the Form required by Business and Professions Code, sec. 6061.7(a). The information is listed on the website itself, and is available for download from the website as well. All disclosures are now current, accurate, and comply with all Rules and Guidelines. Hardcopies and the website have been updated accordingly, and the disclosures are available on the website now. We have attached our Rule 4.241 Disclosure (**EXHIBIT B**) as well as MAOL's Information Report Form required by Business and Professions Code, sec. 6061.7(a) (**EXHIBIT C**).

Next listed in the Report where mandatory action states to be compliant with Guideline 2.9(B)(4), MAOL must review and revise all of its materials, hardcopy and electronic, to ensure that all correctly and consistently state the number of quarter units (114) needed to earn a Juris Doctor degree. MAOL's website already reflects the minimum number of credits needed to earn a JD degree and explains the quarter system, as well as the required hours needed for students to earn credits for each course taken. We have concurrently updated all hardcopy versions to reflect the same, so that all correspondence with students regarding the credit and hour requirements is accurate and non-confusing. The information is available in the catalogue and other documents on the website. This information is available in the catalog (**EXHIBIT A**), as well as our Academic Requirements Information (**EXHIBIT D**)

Along with Guideline 2.9(B)(4) in the report, the Notice indicates that MAOL has failed to maintain current and accurate means to assess students. As noted in the report, MAOL has had a few years with no students enrolled. With few or no students, assessing students understanding and comprehension has been unavailable. MAOL has adapted its grading criteria, and has finalized those changes for the upcoming school year. The new grading standards will be given to the incoming students prior to or at their first classes. The information will be contained in the student catalogue and in each individual syllabus as well. We are excited to have the opportunity to teach and assess students in the upcoming quarter. Each professor will follow the grading

scale and notify students in a timely manner of how they are graded. MAOL no longer uses any letter grades. Our grading criteria is now included in the catalog (**EXHIBIT A**) and will be included in each syllabus for all classes at MAOL.

The Report also requires in accordance with Guideline 4.11(A), that MAOL must designate an individual as its Registrar and inform the Committee of Bar Examiners accordingly. MAOL has designated Mr. Scott A. McMillan as its Registrar. He can be reached at

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MAOL has already sent separate letter as an official notification to the Committee of Bar Examiners as to the designation of its registrar. We have attached the letter for your complete records (**EXHIBIT E**)

Also contained in the Report, and the Notice, is a requirement to update the law library at MAOL. This requirement is to comply with Guideline 6.2 and Rule 9.30(b)(6) of the California Rules of Court, which specifically state that [MAOL] must maintain a law library such that contains all mandatory hardcopy legal authorities that are complete, current and updated. MAOL has already ordered the requisite hardcopies of any updates to its already existing law library. We expect the law library to be fully updated by the time courses start for the upcoming academic year. We have attached the invoice and order form of the update to our library as (**EXHIBIT F**).

Finally listed in the Report and the Notice for mandatory recommended actions is a concern about MAOL's compliance with Guidelines 5.2(J), 8.1 and 8.2. These Guidelines discuss the adequacy of the law school's finances and lack of auditable income and funds needed to provide a long-term and sound program of legal education. To comply with Guideline 8.1, MAOL must confirm that, as a separate corporate entity, it has and will maintain sufficient capital and cash resources to ensure its current and future financial viability needed to support its program of legal education and each of its current and future financial obligations.

Dean Scott McMillan is the sole director and shareholder of MAOL. MAOL shares a space with the Law Offices. Dean McMillan has provided MAOL with a capital guarantee of twenty thousand dollars (\$20,000.00) over the next five years. This guarantee will provide sufficient capital, cash, and resources to ensure the viability of the school, including supporting the educational programs and any future financial obligations.

Listed on the Notice, but not in the report, is MAOL's non-compliance with Guidelines 5.1 – 5.2, dealing with the MAOL's failure to maintain a current, qualitatively sound program of legal

instruction. We are aware that this non-compliance is mostly due to a lack of a student body and classes over the past few years. However, as discussed above, MAOL already has students enrolled for the upcoming quarter beginning in January of 2018. While MAOL has been dormant, it is now invigorated with new students for the upcoming quarter.

MAOL also has hired a new, highly motivated professor who is eager for an opportunity to teach up-and-coming legal minds the law, how to pass the CBX, and how to be a successful attorney. Despite the difficulty for MAOL to provide legal education and assess students' understanding of the law, MAOL will resume classes in January. Because enrollment has increased, the law library is being updated, and classes will resume. In January, MAOL can now provide the experience of a current and qualitatively sound program. MAOL has updated its catalogue for the incoming school year to reflect all changes discussed in this letter. That catalogue is available on the website in the near future. We have also attached all disclosures as (**EXHIBIT G**).

Recommended Suggested Actions

Ms. Perring's Report discussed several suggested actions that were not mentioned in the Notice itself. However, MAOL is committed providing the best possible legal education and is making changes according to these suggestions. The Report advises that pursuant to Guideline 1.9, MAOL should incorporate into its materials, both hardcopy and electronic, that it is compliant with all requirements set out in the Americans with Disabilities Act (ADA) relevant to its facilities and operations. MAOL has updated its website, its catalogue, and other materials, to reflect that it is compliant with the ADA, relevant to its facilities. These changes are reflected in all hard copy materials, including the catalog, (**EXHIBIT A**). The facilities for MAOL are on the second floor of the building, which predates the ADA. To the extent the facilities are inaccessible, MAOL will provide either alternative instruction, alternative means of instruction, or an alternative location.

Also listed in the Report was the suggestion to incorporate a copy of MAOL's current instructor evaluation policy in the its faculty handbook (Pursuant to Guidelines 4.8 and 4.9, the law school should incorporate a copy of its current instructor evaluation policy in its Faculty Handbook). These changes have been made and specifically outline how and when each professor or faculty member will be evaluated. The faculty handbook is still undergoing revisions, and will be ready for all faculty when classes begin in January.

Finally, the Report details how Ms. Perring had a difficult time locating specific items within each student file. Pursuant to Guidelines 9.1(A-D) and 9.1(E-F), MAOL should separate and maintain all required information, transcripts and materials needed to be placed into its student files from materials relating to its courses and classes. MAOL has adapted a new filing system for student files to make individual items within each file easier to locate. MAOL has also adjusted its filing system to keep and maintain a separate set of files for each course, by year. This allows easy access to any particular course and all exams taken by any students in that course. This is for internal ease and so on subsequent inspections, the inspector will easily be able to compare exams from the same course without having to pull individual student files

simultaneously.

On behalf of MAOL, we appreciate the opportunity to work with you to address the Notice. Please contact MAOL if you have any questions or concerns regarding anything within the Notice, Report, or this letter addressing the Notice. We look forward to working with you in the future to resolve any compliance issues discussed above.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Scott McMillan', with a long horizontal line extending to the right.

Scott McMillan
Dean - McMillan Academy of Law