

4/8/64

Memorandum 64-23

Subject: Study No. 34(L) - Uniform Rules of Evidence (Organization of Proposed Comprehensive Evidence Statute and Disposition of Sections in Part IV of Code of Civil Procedure)

The staff believes that the time has come to consider the organization of the proposed comprehensive evidence statute and the disposition of the sections in Part IV of the Code of Civil Procedure. We should approve the tentative recommendation on General Provisions for printing at the April meeting. Hopefully, we will also complete work on the last of the articles of the URE--Article III on Presumptions--and send a tentative recommendation on that subject to the State Bar Committee. Moreover, our contract with Professor Degnan called for the completed research study on the existing provisions of Part IV of the Code of Civil Procedure by April 1, 1964, and we have extended this deadline until May 1, 1964.

We believe, therefore, that it is essential that the Commission adopt some general organizational scheme for the new statute so that we can begin to draft portions of the new statute in a form that will permit us to fit them into a comprehensive statute. We need to integrate many provisions of existing statutes into the various Revised URE Articles and need to designate additional portions (parts, chapters, or articles) of the new statute as the places where particular portions of existing statutes not embraced in the URE will be compiled.

We present four matters for your consideration:

FIRST: The first matter presented for Commission consideration is: Should the new statute be a new code or should it be compiled in Part IV of the Code of Civil Procedure. It is noted that Part IV of the Code of Civil Procedure now requires three volumes of the West's Annotated

California Codes. Although there are a number of sections in Part IV that do not relate to evidence and should be compiled in the Code of Civil Procedure or some other code, there are many new sections that will result from the compilation of the Revised URE provisions. (Compare, for example, the many proposed sections on hearsay evidence and many provisions relating to privileges with the existing skimpy statutory provisions dealing with these matters. The numbers that could be assigned to sections in a new code would be more manageable than the numbers that would be assigned to the sections if they are compiled in the Code of Civil Procedure. (Note that in Memorandum 64-24 we use section numbers running from 10,000 up.) The most significant single consideration, however, is that the rules of evidence that we have drafted apply both to civil and criminal proceedings, and the privilege provisions apply in all proceedings where testimony can be compelled. Logically, these rules do not belong in a Code of Civil Procedure. Accordingly, the staff recommends that the new evidence statute be drafted in the form of an Evidence Code.

SECOND: The second matter to be considered is the general organization of the new statute, or new code, as the case may be. Attached as Exhibit I (pink pages) is a suggested outline of the content of the new statute. (Disregard the section numbers in the suggested outline if it is determined that there should be an Evidence Code.) We have attempted in this outline to integrate the great majority of the existing code sections with the pertinent revised URE rules. We have not been able to do this for the portion of the statute relating to "General Provisions" or the portion relating to "Burden of Proof; Presumptions; Weight of Evidence." Until we have prepared a tentative recommendation on "Burden of Proof; Presumptions; Weight of Evidence," we cannot determine where the substance of a number of existing statutes should be compiled. In addition, there

are a few sections that are not classified in the suggested outline because we have not, as yet, determined whether they should be in the evidence statute or in some other code.

We suggest that you read the proposed outline carefully so that we can discuss it at the meeting. We are not interested in discussing the details, such as the order of sections or the section titles. We are, however, interested in the general organization and in the content of the various titles of the suggested outline. We plan to revise the outline as further study indicates desirable changes, and we would appreciate receiving any changes you care to suggest.

The sections of the existing statute on depositions and discovery in civil cases present a policy problem. We believe that these sections relate to evidence and are properly included in the evidence statute. We hope that at some future time the problem of discovery in criminal proceedings will be considered and an appropriate title on that subject drafted for inclusion in the evidence statute. If we include the provisions relating to discovery in civil cases in the new statute, we can break up the long complex sections that now exist into shorter sections without destroying the unity of subject matter that now exists. (We can thereby eliminate the need for references, such as "subparagraph (iv) of paragraph (3) of subdivision (d) of Section 2016.") In addition, we can accomplish a modest improvement in the organization of the statute as indicated in the suggested outline. If the Commission wishes, however, the existing statute could be retained--without any change in section numbers--in Part IV of the Code of Civil Procedure, and the title to Part IV could be changed to "Depositions and Discovery." On balance, we are persuaded that it would be better to include these provisions in the new evidence statute.

THIRD: A third matter presented for your consideration is: What disposition should be made of the various sections in Part IV that do not relate directly to evidence or that merely duplicate provisions in other codes? For example, although we have included these provisions in the suggested outline, the Statute of Frauds in the Code of Civil Procedure is substantially duplicated by a section of the Civil Code and the various provisions of the Code of Civil Procedure on interpretation of statutes and writings duplicate and overlap to some extent with somewhat comparable provisions in the Civil and Probate Codes. Other provisions, such as those relating to tender or those abolishing the effect of seals, do not relate to evidence.

As time permits, we plan to prepare memoranda presenting our suggested dispositions of these sections. We anticipate that Professor Degnan's study will be of considerable assistance in preparing these memoranda. Although we have not yet received the pertinent portions of the research study, we hope to be able to prepare several memoranda of this type for the April meeting. We suggest that no decision be made on a particular section until we have prepared a memorandum indicating our suggested disposition of the section.

Does the course of action outlined above meet the approval of the Commission?

FOURTH: A fourth matter that should be discussed at this time is the form in which the proposed legislation will be presented, i.e., whether in the form of one bill or a series of bills. The staff has concluded that a series of bills will be necessary. This will avoid any constitutional problems that might result if more than "one subject" were included in a

single bill. We suggest, therefore, that the new evidence statute be a separate bill and that sections of Part IV of the Code of Civil Procedure that are superseded by the new evidence statute be repealed in that bill. We suggest also that a series of bills be drafted to repeal obsolete, duplicating, and unnecessary provisions of Part IV that do not directly relate to evidence. And we suggest that a series of bills be prepared to compile in other codes or in other portions of the Code of Civil Procedure those sections of Part IV which do not relate directly to evidence but which should be retained in substance. We believe that as a general rule we would not have to include the so-called double jointing clauses in these companion bills, since they could become effective even though the new evidence statute is not enacted. (A "double jointing" clause provides that one bill does not become law unless another bill is enacted as law.) There may be a few exceptional cases where a double jointing clause would be needed.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

EXHIBIT I

TENTATIVE OUTLINE

Section numbers allocated on assumption will be made a part of CCP

- TITLE 1. DEFINITIONS . [§§ 3000-3099]
- TITLE 2. GENERAL PROVISIONS [§§ 3100-3499]
- TITLE 3. JUDICIAL NOTICE [§§ 3500-3599]
- TITLE 4. BURDEN OF PROOF; PRESUMPTIONS; WEIGHT OF EVIDENCE [§§ 3600-3999]
- TITLE 5. Not Used
- TITLE 6. WITNESSES [§§ 4000-4199]
- TITLE 7. PRIVILEGES [§§ 4200-4599]
- TITLE 8. Not Used
- TITLE 9. EVIDENCE EXCLUDED OR AFFECTED BY EXTRINSIC POLICIES [§§ 4600-4749]
- TITLE 10. EXPERT WITNESSES; OPINION AND SCIENTIFIC EVIDENCE [§§ 4750-4999]
- TITLE 11. HEARSAY EVIDENCE [§§ 5000-5999]
- TITLE 12. WRITINGS [§§ 6000-8499]
- TITLE 13. EFFECT OF JUDICIAL RECORDS AND JUDGMENTS [§§ 8500-8599]
- TITLE 14. AFFIDAVITS [§§ 8600-8649]
- TITLE 15. DEPOSITIONS AND DISCOVERY IN CIVIL CASES [§§ 8650-9499]

TITLE 1. DEFINITIONS

[\$§ 3000-3099]

We are unable to determine the content of this title at the present time. It will include RURE Rule 1 and any additional definitions.

TITLE 2. GENERAL PROVISIONS

[§§ 3100-3499]

We are unable to determine the content of this title at this time.

It will include Rules 2-8 and additional material from existing statutes.

TITLE 3. JUDICIAL NOTICE

- 3500. Judicial notice may be taken only as authorized by statute.
[RURE 9(3)]
- 3501. Matters which must be judicially noticed. [RURE 9(1)]
- 3502. Matters which may be judicially noticed. [RURE 9(2)]
- 3503. Compulsory judicial notice on request. [RURE 9.5]
- 3504. Reasonable opportunity to present information to judge. [RURE 10(1)]
- 3505. Sources of information that may be used by judge. [RURE 10(2)]
- 3506. Procedure where judge unable to determine what foreign law is.
[RURE 10.5]
- 3507. Noting for record matter judicially noticed. [RURE 11(1)]
- 3508. Instructing jury on matters judicially noticed. [RURE 11(2)]
- 3509. Judicial notice in proceedings subsequent to trial. [RURE 12]

TITLE 4. BURDEN OF PROOF; PRESUMPTIONS; WEIGHT OF EVIDENCE

[§§ 3600-3999]

This title will be set out in the tentative recommendation on URE
Article III.

TITLE 6. WITNESSES

CHAPTER 1. COMPETENCY

- 4000. General rule as to competency. [RURE 7(a), (b), (c)]
- 4001. Disqualification of witness. [RURE 17(1)]
- 4002. Personal knowledge. [RURE 19]

CHAPTER 2. OATH AND CONFRONTATION

- 4010. Oath or affirmation required. [RURE 18]
- 4011. Confrontation. [CCP 1846]

CHAPTER 3. METHOD AND SCOPE OF EXAMINATION IN COURT

- 4050. Definitions. [CCP 2045 and 2046 (part)]
- 4051. Control by court of mode of interrogation. [CCP 2044 (part) and 2066 (part)]
- 4052. Exclusion of witnesses. [CCP 2043]
- 4053. Compelling answers. [CCP 2991 and 2065]
- 4054. Power of court to call witnesses [new]
- 4055. Cumulative evidence. [CCP 2044 (last sentence)]
- 4056. Order of examination. [CCP 2045 (last sentence)]
- 4057. Leading questions. [CCP 2046 (part)]
- 4058. Refreshing memory from writing. [CCP 2047]
- 4059. Cross-examination. [CCP 2048]
- 4060. Re-examination. [CCP 2050 (first sentence)]
- 4061. Recall of witness previously examined. [CCP 2050 (last two sentences)]
- 4062. Examination by opposing party of writings shown to witness. [CCP 2054]
- 4063. Cross-examination of adverse party or witness. [CCP 2055]
- 4064. Motion to strike nonresponsive answer. [CCP 2056]

CHAPTER 4. TESTING CREDIBILITY

- 4100. "Attacking credibility" and "impairing credibility" defined. [new]
- 4105. Who may attack or impair credibility. [RURE 20(1)]
- 4110. General rule as to admissibility of evidence relating to credibility. [new]
- 4115. Demeanor. [CCP 1847 (part)]
- 4120. Contradiction as to facts. [CCP 1847 (part)]
- 4125. Organic incapacity. [new]
- 4130. Opportunity to perceive. [new]
- 4135. Bias and the like. [CCP 1847 (part)]
- 4140. Corrupt attitude toward case. [new]
- 4145. Occupation and the like. [new]
- 4150. Prior inconsistent statement. [RURE 22(1), (2)]
- 4155. Character evidence. [RURE 22(3), (4)]
- 4160. Conviction for a crime. [RURE 21(1), (2), (3)]
- 4165. Religious belief or lack thereof. [RURE 22(5)]
- 4170. Evidence to support credibility. [RURE 20(2)]
- 4175. Evidence of good character of witness. [RURE 20(3)]

CHAPTER 5. INTERPRETERS

- 4180. Rules relating to witnesses apply to interpreters. [RURE 17(2)]
- 4181. Interpreters for foreign witnesses. [CCP 1884]
- 4182. Interpreters for deaf in criminal and commitment cases. [CCP 1885]

CHAPTER 6. JUDGE OR JUROR AS WITNESS

- 4190. Testimony by the judge. [RURE 42]
- 4191. Testimony by a juror. [RURE 43]

TITLE 7. PRIVILEGES

CHAPTER 1. DEFINITIONS

- 4200. Application of definitions. [new]
- 4205. Civil proceeding. [RURE 22.3(1)]
- 4210. Criminal proceeding. [RURE 22.3(2)]
- 4215. Disciplinary proceeding. [RURE 22.3(3)]
- 4220. Presiding officer. [RURE 22.3(4)]
- 4225. Proceeding. [RURE 22.3(5)]

CHAPTER 2. GENERAL PROVISIONS

- 4250. Scope of title. [RURE 22.5]
- 4251. General rule as to privileges. [RURE 7(b), (d), (e)]
- 4255. Waiver of privilege. [RURE 37]
- 4260. Reference to exercise of privilege. [RURE 39]
- 4265. Ruling upon a claim of privilege. [RURE 37.5]
- 4270. Ruling upon privileged communications in nonjudicial proceedings. [RURE 37.7]
- 4275. Claim of privilege by presiding officer. [RURE 36.5]
- 4280. Confidential communications; burden of proof. [RURE 28.5]
- 4285. Effect of error in overruling claim of privilege. [RURE 40]
- 4290. Admissibility of disclosure wrongfully compelled. [RURE 38]
- 4295. Savings clause. [RURE 40.5]

CHAPTER 3. PARTICULAR PRIVILEGES

Article 1. Privilege of Defendant in Criminal Action

- 4300. Privilege of defendant in criminal action. [RURE 23]

Article 2. Privilege Against Self-Incrimination

- 4310. Definition of incrimination. [RURE 24]
- 4315. Privilege against self-incrimination. [RURE 25 (opening paragraph)]

- 4321. Submitting to examination. [RURE 25(1)]
- 4322. Demonstrating identifying characteristics. [RURE 25(2)]
- 4323. Samples of body fluids or substances. [RURE 25(3)]
- 4324. Production of thing to which another has superior right.
[RURE 25(4)]
- 4325. Required records. [RURE 25(5)]
- 4326. Cross-examination of defendant in criminal action.[RURE 25(6)]
- 4327. Waiver by persons other than criminal defendants.[RURE 25(7)]

Article 3. Lawyer-Client Privilege

- 4350. "Client" defined. [RURE 26(1)(a)]
- 4351. "Confidential communication between client and lawyer" defined.
[RURE 26(1)(b)]
- 4352. "Holder of the privilege" defined. [RURE 26(1)(c)]
- 4353. "Lawyer" defined. [RURE 26(1)(d)]
- 4360. Lawyer-client privilege. [RURE 26(2)]
- 4365. When lawyer required to claim privilege. [RURE 26(3)]
- 4370. Crime or fraud exception. [RURE 26(4)(a)]
- 4371. Parties claiming through deceased client. [RURE 26(4)(b)]
- 4372. Breach of duty arising out of lawyer-client relationship.
[RURE 26(4)(c)]
- 4373. Lawyer an attesting witness. [RURE 26(4)(d)]
- 4374. Intention of deceased client concerning writing affecting
property interest. [RURE 26(4)(e)]
- 4375. Validity of writing affecting interest in property.
[RURE 26(4)(f)]
- 4376. Communication to physician. [RURE 26(4)(g)]
- 4377. Communication to psychotherapist. [RURE 26(4)(h)]
- 4378. Joint clients. [RURE 25(5)]

Article 4. Privilege Not To Testify Against Spouse.

- 4390. Privilege not to testify against spouse. [RURE 27.5(1)
(introductory clause)]
- 4391. Privilege not to be called as a witness against spouse.
[RURE 27.5(2)]
- 4392. When privileges not applicable. [RURE 27.5(1)(a)-(d), (3), (4)]

Article 5. Marital Privilege for Confidential Communications.

- 4400. Privilege for confidential communications. [RURE 28(1)]
- 4401. Crime or fraud exception. [RURE 28(2)(a)]
- 4402. Commitment or similar proceeding. [RURE 28(2)(b)]
- 4403. Proceeding to establish competence. [RURE 28(2)(c)]
- 4404. Proceeding between spouses. [RURE 28(2)(d)]
- 4405. Certain criminal proceedings. [RURE 28(2)(e)]
- 4406. Juvenile court proceeding. [RURE 28(2)(f)]
- 4407. Communication offered by spouse who is criminal defendant.
[RURE 28(2)(g)]

Article 6. Physician-Patient Privilege.

- 4420. "Confidential communication between patient and physician"
defined. [RURE 27(1)(a)]
- 4421. "Holder of the privilege" defined. [RURE 27(1)(b)]
- 4422. "Patient" defined. [RURE 27(1)(c)]
- 4423. "Physician" defined. [RURE 27(1)(d)]
- 4430. Physician-patient privilege. [RURE 27(2)]
- 4435. When physician required to claim privilege. [RURE 27(3)]
- 4440. Crime or tort exception. [RURE 27(4)(a)]
- 4441. Criminal or disciplinary proceeding. [RURE 27(4)(h), (j)]
- 4442. Proceeding to recover damages for criminal conduct.
[RURE 27(4)(i)]

- 4443. Parties claiming through deceased patient. [RURE 27(4)(b)]
- 4444. Breach of duty arising out of physician-patient relationship. [RURE 27(4)(c)]
- 4445. Intention of deceased client concerning writing affecting property interest. [RURE 27(4)(d)]
- 4446. Validity of writing affecting interest in property. [RURE 27(4)(e)]
- 4447. Commitment or similar proceeding. [RURE 27(4)(f)]
- 4448. Proceeding to establish competence. [RURE 27(4)(g)]
- 4449. Proceeding where condition of patient is tendered by patient or person claiming through him. [RURE 27(4)(k)]
- 4450. Required report. [RURE 27(4)(L)]

Article 7. Psychotherapist-Patient Privilege.

- 4460. "Confidential communication between patient and psychotherapist" defined. [RURE 27.3(1)(a)]
- 4461. "Holder of the privilege" defined. [RURE 27.3(1)(b)]
- 4462. "Patient" defined. [RURE 27.3(1)(c)]
- 4463. "Psychotherapist" defined. [RURE 27.3(1)(d)]
- 4470. Psychotherapist-patient privilege. [RURE 27.3(2)]
- 4475. When psychotherapist required to claim privilege. [RURE 27.3(3)]
- 4480. Crime or tort exception. [RURE 27.3(4)(a)]
- 4481. Parties claiming through deceased patient. [RURE 27.3(4)(b)]
- 4482. Breach of duty arising out of psychotherapist-patient relationship. [RURE 27.3(4)(c)]
- 4483. Intention of deceased client concerning writing affecting property interest. [RURE 27.3(4)(d)]
- 4484. Validity of writing affecting interest in property. [RURE 27.3(4)(e)]
- 4485. Proceeding to establish competence. [RURE 27.3(4)(f)]

4486. Proceeding where condition of patient is tendered by patient or person claiming through him. [RULE 27.3(4)(g)]

4487. Court appointed psychotherapist. [RULE 27.3(4)(h)]

4488. Required report. [RULE 27.3(4)(i)]

Article 8. Priest-Penitent Privileges.

4500. "Penitent" defined. [RULE 29(1)(a)]

4501. "Penitential communication" defined. [RULE 29(1)(b)]

4502. "Priest" defined. [RULE 29(1)(c)]

4505. Privilege of penitent. [RULE 29(2)]

4506. Privilege of priest. [RULE 29(3)]

Article 9. Official Information and Identity of Informer.

4520. Privilege for official information. [RULE 34(1)(2)]

4525. Privilege for identity of informer. [RULE 36(1)(2)]

4530. Adverse order or finding in certain cases. [RULE 34(3)(4);
RULE 36(3)(4)]

Article 10. Political Vote.

4540. Privilege to protect secrecy of vote. [RULE 31]

Article 11. Trade Secret.

4550. Privilege to protect trade secret. [RULE 32]

TITLE 9. EVIDENCE EXCLUDED OR AFFECTED BY EXTRINSIC POLICIES

CHAPTER 1. GENERAL PROVISIONS

- 4600. Discretion of judge to exclude admissible evidence. [RURE 45]
- 4605. Evidence to test a verdict. [RURE 41]

CHAPTER 2. EVIDENCE OF CHARACTER, HABIT, OR CUSTOM OR USAGE

- 4650. Character itself in issue: manner of proof. [RURE 46]
- 4655. Character evidence to prove conduct. [RURE 47]
- 4660. Character trait for care or skill. [RURE 48]
- 4665. Habit or custom to prove specific behavior. [RURE 49]
- 4670. Usage to explain act or writing. [CCP 1870(12)]

CHAPTER 3. OTHER EVIDENCE EXCLUDED OR AFFECTED BY EXTRINSIC POLICIES

- 4701. Subsequent remedial conduct. [RURE 51]
- 4702. Offer to compromise and the like. [RURE 52]
- 4703. Offer to plead guilty to crime. [RURE 52.5]
- 4704. Offer to discount a claim. [RURE 53]
- 4705. Liability insurance. [RURE 54]

TITLE 10. EXPERT WITNESERS; CPINION AND SCIENTIFIC EVIDENCE

CHAPTER 1. EXPERT AND OTHER OPINION TESTIMONY

Article 1. Expert and Other Opinion Testimony Generally

- 4750. Qualification as expert witness. [RURE 55.5]
- 4751. Matters as to which expert witness may testify. [RURE 55.7]
- 4752. Testimony in form of opinion. [RURE 56(1), (2)]
- 4753. Statement of basis of opinion. [RURE 57]
- 4754. Opinion based on improper matter. [RURE 56(3)]
- 4755. Opinion based on opinion or statement of another. [RURE 57.5]
- 4756. Opinion on ultimate issue. [RURE 56(4)]
- 4757. Hypothetical question. [RURE 58]
- 4758. Cross-examination of expert witness. [RURE 58.5]
- 4759. Credibility of expert witness. [RURE 61]
- 4760. Limit on number of expert witnesses. [CCP 1871 (last sentence)]

Article 2. Appointment of Expert Witness by Court

- 4770. Appointment of expert by court. [CCP 1871 (first paragraph)]
- 4771. Payment of expert appointed by court. [CCP 1871 (second paragraph)]
- 4772. Calling and examining expert appointed by court. [CCP 1871 (fourth paragraph)]
- 4773. Right to produce other expert evidence. [CCP 1871 (third paragraph)]

Article 3. Opinion Testimony in Eminent Domain Cases

- 4800. Opinion testimony in eminent domain cases. [CCP 1845.5]

[NOTE: The recommendation on opinion testimony in eminent domain and inverse condemnation cases would add a number of sections to this article in lieu of CCP 1845.5]

Article 4. Opinion Testimony on Particular Matters

- 4850. Opinion as to identity or handwriting. [CCP 1870(9) (part)]
- 4851. Opinion as to sanity. [CCP 1870 (10)]

CHAPTER 2. BLOOD TESTS TO DETERMINE PATERNITY

- 4900. Short title. [CCP 1980.1]
- 4901. Interpretation. [CCP 1980.2]
- 4902. Order for blood tests in civil actions involving paternity.
[CCP 1980.3]
- 4903. Tests made by experts. [CCP 1980.4]
- 4904. Compensation of experts. [CCP 1980.5]
- 4905. Determination of paternity. [CCP 1980.6]
- 4906. Limitations on application to criminal matters. [CCP 1980.7]

TITLE 11. HEARSAY EVIDENCE

[§§ 5000-5999]

Note: This title has already been drafted in statutory form.

TITLE 12. WRITINGS

CHAPTER 1. AUTHENTICATION

- 6000. Authentication required. [RURE 67]
- 6005. Ancient writings. [RURE 67.5]
- 6010. Copies of writings in custody of public employee. [RURE 68]
- 6015. Writings stating absence of record in public office. [RURE 69]
- 6020. Official seals and signatures. [RURE 67.7; see additional provision added--Minutes of February 1964 meeting, page 20]
- 6025. Explaining alteration in writing. [CCP 1982]
- 6030. Certificate to copy. [CCP 1923]

CHAPTER 2. BEST EVIDENCE RULE

- 6050. When secondary evidence of content of writing admissible. [RURE 70(1)]
- 6055. Type of secondary evidence admissible. [RURE 70(2)]
- 6060. Entries in regular course of business. [CCP 1947]

CHAPTER 3. PAROL EVIDENCE RULE

- 6100. Parol evidence rule. [CCP 1856]

CHAPTER 4. WRITING INDISPENSABLE

- 6150. Statute of frauds. [CCP 1973]
- 6155. Guaranty of debt of another. [CCP 1974]
- 6160. Grant of interest or estate in real property. [CCP 1971, 1972]

CHAPTER 5. INTERPRETATION OF STATUTES AND OTHER WRITINGS

- 6200. Recitals in statute as evidence. [CCP 1903]
- 6201. Writing construed as of place of execution. [CCP 1857]
- 6202. Interpolation forbidden. [CCP 1858]
- 6203. Intention of Legislature or parties. [CCP 1859 (part)]
- 6204. Inconsistent general and particular provisions. [CCP 1859 (part)]
- 6205. Surrounding circumstances. [CCP 1860]

- 6206. Primary and general sense; local, technical or other significance. [CCP 1861]
- 6207. Instrument partly written and partly printed. [CCP 1862]
- 6208. Parol explanation of understandable instrument. [CCP 1863]
- 6209. Sense in which parties use words. [CCP 1864]
- 6210. Notices in writing. [CCP 1865]
- 6211. Favoring natural right. [CCP 1866]
- 6250. Rules for ascertaining boundaries from description in conveyance of real property. [CCP 2077]

CHAPTER 6. PROOF OF CONTENT OR EXECUTION

Article 1. General Provisions

- 6300. Private writings. [CCP 1948]
- 6305. Instrument affecting real property. [CCP 1951]
- 6310. Witnessed writings. [RURE 71; CCP 1941, 1942]
- 6315. Proof of handwriting. [CCP 1943, 1944, 1945]

Article 2. Photographic Copies of Writings

- 6350. Photographic copies made in regular course of business. [RURE 72]
- 6355. Photographic copies where original destroyed or lost. [CCP 1920b]

Article 3. Church Records

- 6400. Church records as proof of contents. [CCP 1919a]
- 6405. Method of establishing. [CCP 1919b]

Article 4. Hospital Records

- 6450. Compliance with subpoena duces tecum of hospital records. [CCP 1998]
- 6455. Affidavit accompanying records. [CCP 1998.1]
- 6460. Copy of records and affidavit admissible in evidence. [CCP 1998.2]
- 6465. Single witness or mileage fee. [CCP 1998.3]
- 6470. Personal attendance of custodian and production of original records. [CCP 1998.4]

6475. Service of more than one subpoena duces tecum. [CCP 1998.5]

Article 5. Reports of Presumed Death, Missing in Action, and the Like

6480. Finding of presumed death by federal official. [CCP 1928.1]

6481. Report or record that person is missing, captured, or the like.
[CCP 1928.2]

6482. Presumption of execution and authority. [CCP 1928.3]

6483. Partial validity. [CCP 1928.4]

Article 6. Particular Writings

6500. Authenticated Spanish title records. [CCP 1927.5]

6505. Patent for mineral lands. [CCP 1927]

6510. Deed by proper officer in pursuance of court process. [CCP 1928]

6515. Certificate of purchase of state land. [CCP 1925]

Article 7. Judicial Records Destroyed in Fire or Calamity

6550. "Record" defined. [CCP 1953]

6551. Petition to restore by certified copy. [CCP 1953.01]

6552. Order substituting certified copy. [CCP 1953.02]

6553. Application where certified copy does not exist. [CCP 1953.03]

6554. Order restoring copy. [CCP 1953.04]

6555. Restoration in proceedings in rem. [CCP 1953.05]

6556. Records on appeal. [CCP 1953.06]

Article 8. Private Records Destroyed in Disaster or Calamity

6570. Action to establish existence of record. [CCP 1953.10]

6571. Notice of hearing. [CCP 1953.11]

6572. Court order establishing existence. [CCP 1953.12]

6573. Order in lieu of original record. [CCP 1953.13]

Article 9. Injured or Missing Writings

6580. Restoration of recorded maps. [CCP 1855b]

6585. Secondary evidence of lost public records. [CCP 1855a]

CHAPTER 7. RECORDS OF MEDICAL STUDIES

6600. Records of medical study of in-hospital staff committee.
[CCP 1936.1]

TITLE 13. EFFECT OF JUDICIAL RECORDS AND JUDGMENTS

- 8500. "Judicial records" defined. [CCP 1904]
- 8501. Conclusiveness and effect of judgment. [CCP 1908]
- 8502. Effect of orders other than judgments. [CCP 1909]
- 8503. Parties concluded by judgment. [CCP 1910]
- 8504. Matters concluded by judgment. [CCP 1911]
- 8505. Surety bound from time of notice. [CCP 1912]
- 8506. Conclusiveness and effect of judgment of sister state. [CCP 1913]
- 8507. Effect of foreign admiralty decree. [CCP 1914]
- 8508. Effect of foreign judgment. [CCP 1915]
- 8509. Impeaching judgment: grounds. [CCP 1916]
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