

March 20-21, 1958

Memorandum No. 9

Subject: Uniform Rules of Evidence

To date the Commission has approved, in either their original form or a revised form, the following:

Subdivision (1) of Rule 62.

The opening paragraph of Rule 63.

Subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (12), (13), (14), (17), (18) and (19) of Rule 63.

Rule 68.

We will send you a copy of this material as approved by the Commission prior to the March meeting.

Consideration of Subdivision (6) of Rule 63 has been deferred pending preparation of a memorandum thereon by Mr. Gustafson.

No final action was taken on Subdivision (10).

Subdivision (11) of Rule 63 was disapproved.

Subdivisions (15) and (16) were disapproved and the Staff was directed to prepare a substitute for them embodying the substance of C.C.P. § 1920. It will not be possible to do this in time for the March meeting.

Consideration of Rule 69 was deferred pending submission of a redraft by Professor Chadbourn.

Material on hearsay received from Professor Chadbourn and not yet considered by the Commission includes memoranda on the following:

Subdivisions 20 through 31 of Rule 63.

Rule 65.

This material has been sent to you. I suggest that it constitute the subject matter on the Uniform Rules of Evidence for discussion at the March meeting. In addition, the Commission should take final action on Subdivision (10).

I will report orally on meetings of the Northern and Southern subcommittees of the State Bar Committee to Consider the Uniform Rules of Evidence which I have attended.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

JRM:j