

Date of Meeting: December 18-19, 1959

Date of Memo: December 10, 1959

MEMORANDUM NO. 4

Subject: Uniform Rules of Evidence - Hearsay Evidence Division.

The attached material indicates the action already taken by the Commission on each of the rules in the Hearsay Evidence Division and the problems still to be resolved by the Commission.

This material is to be used with Memorandum No. 3 (December 10, 1959) which contains the text of the rules as revised to date by the Commission.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

December 10, 1959

ACTION TAKEN BY COMMISSION ON
HEARSAY EVIDENCE PORTION OF UNIFORM RULES OF EVIDENCE

Rule 62

Rule 62 is set out as approved by the Commission at the November meeting. The Commission suggested but has not, however, approved the retabulation of Rule 62(6) into two numbered paragraphs.

Rule 63

Introductory Clause

Approved.

Exception (1)

Approved as revised.

Exception (2)

Approved as revised.

Exception (3)

Approved as revised.

Exception (4)

Approved as revised, except as to whether Rule 65A should apply.

Exception (5)

Approved as revised, except as to whether Rule 65A should apply.

Exception (6)

Approved as revised, except as to whether Rule 65A should apply.

Exception (7)

Approved as revised, except as to whether Rule 65A should apply.

Exception (8)

Approved as revised, except as to whether Rule 65A should apply.

Exception (9)

Approved as revised.

Exception (10)

Approved as revised, except as to whether Rule 65A should apply. Also, why is the phrase "Subject to the limitations of exception (6)" deleted?

Exception (11)

Disapproved.

Exception (12)

Approved as revised, except as to whether Rule 65A should apply.

Exception (13)

Approved as revised.

Exception (14)

Approved in principle - staff to revise to make consistent in form with exception (13). Commission has not approved revised form.

Exception (15)

Approved as revised.

Exception (16)

Approved as revised. Note that the reference to Rule 64 is deleted.

Exception (17)

Approved as revised. Note that the reference to Rule 64 is deleted.

Exception (18)

Approved as revised. Note that the reference to Rule 64 is deleted.

Exception (19)

Approved as revised. Note that the reference to Rule 64 is deleted.

Exception (20)

Approved as revised. Note that the words "Subject to Rule 64" which had been inserted at the beginning of this exception are deleted.

Exception (21)

Approved as revised.

Exception (22)

Approved as revised.

Exception (23)

Approved as revised, except as to whether Rule 65A should apply.

Exception (24)

Approved as revised, except as to whether Rule 65A should apply.

Exception (24)

Approved as revised, except as to whether Rule 65A should apply.

Exception (25)

Disapproved.

Exception (26)

Approved as revised.

Exception (27)

Approved as revised.

Exception (28)

Approved as revised.

Exception (29)

Approved as revised.

Exception (30)

Approved as revised.

Exception (31)

No action taken. Will consider after Bar Committee has taken action on this exception.

Rule 64

Approved as revised.

Rule 65

Approved as revised.

Rule 65A

Approved, except that the application of this rule to specific paragraphs of Rule 63 will be considered at a subsequent meeting.

Rule 66

Approved as revised.