

5/27/70

Memorandum 70-63

Subject: New Topic--Parol Evidence Rule

The February issue of the Stanford Law Review contains a Note on the parol evidence rule. The Note concludes with the statement: "It is time for the California state legislature to step in and rid the California codes of the confusion for which they have become legendary. The provisions concerning the parol evidence rule should either be rewritten or amended to conform to Chief Justice Traynor's three opinions." The Note points out that the California statute does not reflect the judicial gloss.

Several persons have previously suggested that the Commission prepare a revision of the parol evidence statute, but the Commission has decided not to attempt to do this. One of the prior suggestions was presented to the Commission in Memorandum 68-82 (copy enclosed). You should read this memorandum for more information on the problem involved.

I believe we have adequate background research studies on this topic in the form of several law review articles. If the Commission decided to undertake a study of the topic, I would request the Harvard Student Legislative Bureau to attempt to draft legislation that would revise the California law so that it would state the law as it actually is in view of the court interpretations of the existing statute.

Respectfully submitted,

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Executive Secretary