

#63

9/30/71

Memorandum 71-73

Subject: Study 63 - Evidence Code

Some time ago, Justice Otto M. Kaus wrote a law review article suggesting a change of a highly technical nature in the Evidence Code. At my request, he has provided me with a draft of the precise revisions he believes should be made in the code.

The staff wonders whether comments should be solicited from interested persons and organizations on his suggestion before it is considered by the Commission or whether the Commission wishes to consider the suggestion without the benefit of those comments. Since the change is highly technical, it will require a careful reading of his law review article and, I suspect, a consideration of the views of interested persons and organizations before any decision would be made.

In this particular instance, it might be desirable to obtain comments on Justice Kaus's suggestion before considering it. We have much work to do on other topics and it would be much more efficient to have a cross-section of views available when we consider his suggestion.

Respectfully submitted,

John H. DeMouilly
Executive Secretary