

1 **OVERTURE 26** from Tennessee Valley Presbytery (to CCB, OC)

2 “Amend *BCO* 32-19 To Expand Representation of Accused Persons
3 Before Church Courts”
4

5 **Whereas**, the exercise of discipline is highly important and necessary, and in its proper usage
6 discipline maintains the glory of God, the purity of His Church, the keeping and
7 reclaiming of disobedient sinners (*BCO* 27-3), and
8

9 **Whereas**, the ends of discipline, so far as it involves judicial action, are the rebuke of offenses,
10 the removal of scandal, the vindication of the honor of Christ, the promotion of the
11 purity and general edification of the Church, and the spiritual good of offenders
12 themselves (*BCO* 27-3), and
13

14 **Whereas**, the power which Christ has given the Church (including the exercise of church
15 discipline) is for building up, and not for destruction, is to be exercised as under a
16 dispensation of mercy and not of wrath (*BCO* 27-4), and
17

18 **Whereas**, our robust, biblical processes of church discipline are necessarily unique,
19 sometimes complicated, and foreign to the normal life experience of church members
20 in particular, and
21

22 **Whereas**, the current rules for representation limit counsel for church members to members
23 of their local congregation, which may be very small and may not include members
24 well-versed in our polity (e.g., a church plant), and
25

26 **Whereas**, elsewhere in the Rules of Discipline (43-5) broader provisions for representation
27 already exist for a complainant, who “may obtain the assistance of a communing
28 member of the Presbyterian Church in America, who is in good standing, in presenting
29 his complaint,” and
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31 **Whereas**, in a small church or Presbytery it may be difficult to secure members to serve as
32 counsel who are disinterested or unconnected to a case, and
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34 **Whereas**, a defendant who is young, female, or a newly received church member may find
35 appearing unrepresented before our church courts daunting and insurmountably
36 difficult, and
37

38 **Whereas**, persons involved in cases connected with abuse stand in particular need of
39 assistance and support, and
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41 **Whereas**, no member of a church or court should be frustrated, disadvantaged, or dissuaded
42 from appearing in a discipline case because of the difficulties outlined above;
43

44 **Therefore**, be it resolved that *BCO* 32-19 be amended as follows:

1 No professional counsel shall be permitted as such to appear and plead in
2 cases of process in any court; but an accused person may, if he desires it, be
3 represented before ~~the Session~~ any court by a communing member ~~of the~~
4 ~~same particular church, or before any other court, by any member of that court~~
5 in good standing of a PCA church or any member in good standing of a PCA
6 court. A member of the court so employed shall not be allowed to sit in
7 judgment in the case.

8
9 So that the amended section would read:

10
11 32-19. No professional counsel shall be permitted as such to appear and plead
12 in cases of process in any court; but an accused person may, if he desires it,
13 be represented before any court by a communing member in good standing of
14 a PCA church or any member in good standing of a PCA court. A member of
15 the court so employed shall not be allowed to sit in judgment in the case.

16
17 *Adopted by Tennessee Valley Presbytery at its stated meeting, February 10, 2024*
18 *Attested by /s/ TE Chris Powell, stated clerk*