

1 **OVERTURE 40** from the Southeast Alabama Presbytery (to CCB, OC)
2 “Amend *BCO* 35-9 to Require Recording All Parts of a Trial”
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4 **Be it resolved** that the 52nd General Assembly revise *BCO* 35-9 as shown below (underlining
5 for additions; ~~striketrough~~ for deletions):
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7 **35-9.** All ~~testimony~~ parts of a trial other than deliberations shall be recorded
8 (by transcription, audiotape, videotape, or some other electronic means) and
9 witnesses informed of such prior to testifying. Such recording becomes part of
10 the Record of the Case. However, in order to be referenced in written or oral
11 briefs, such recording must be transcribed and the transcription authenticated
12 by the trial court. The court of final appeal may assess the cost of transcription
13 equitably among the parties
14

15 So that *BCO* 35-9 as amended would read:

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17 **35-9.** All parts of a trial other than deliberations shall be recorded (by
18 transcription, audiotape, videotape, or some other electronic means) and
19 witnesses informed of such prior to testifying. Such recording becomes part of
20 the Record of the Case. However, in order to be referenced in written or oral
21 briefs, such recording must be transcribed and the transcription authenticated
22 by the trial court. The court of final appeal may assess the cost of transcription
23 equitably among the parties
24

25 **Rationale**
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- 27 1. This clarifies, for example, that objections raised by the parties during a trial and the
28 court's ruling on those objections, are recorded and available for transcription in the event
29 of an appeal
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32 *Adopted by the Southeast Alabama Presbytery at its stated meeting, April 22, 2025*

33 *Attested by TE Kevin Corley, stated clerk*