

1 **OVERTURE 56** from the Southwest Florida Presbytery (to CCB, OC)
2 “Amend *BCO* 32-19 to Limit Representation in Judicial Process to Officers”
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4 **Be it resolved** that *BCO* 32-19 be amended to read (underlining for additions; ~~striketrough~~
5 for deletions):
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7 **32-19.** No professional counsel shall be permitted as such to appear and plead in cases
8 of process in any court; but an accused person may, if he desires it, be represented in
9 proceedings before ~~the a Session or the Presbytery~~ by any member in good standing
10 of his own church or officer in good standing of a church in the same Presbytery, or
11 by any Teaching Elder member of that Presbytery in good standing. An accused may
12 be represented in proceedings before the Presbytery by any officer in good standing of
13 a church in the same Presbytery or by any Teaching Elder member of that Presbytery
14 in good standing. An accused may be represented before the Standing Judicial
15 Commission by any officer; or before the General Assembly by any member in good
16 standing in the PCA. A member of the court so employed shall not be allowed to sit in
17 judgment in the case. Courts are encouraged to suggest to the accused/appellant the
18 names of potential representatives and potential advisors he might contact.
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20 So that *BCO* 32-19, as amended would read:
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22 **32-19.** No professional counsel shall be permitted as such to appear and plead in cases
23 of process in any court; but an accused person may, if he desires it, be represented in
24 proceedings before a Session by any member in good standing of his own church or
25 officer in good standing of a church in the same Presbytery, or by any Teaching Elder
26 member of that Presbytery in good standing. An accused may be represented in
27 proceedings before the Presbytery by any officer in good standing of a church in the
28 same Presbytery or by any Teaching Elder member of that Presbytery in good
29 standing. An accused may be represented before the Standing Judicial Commission by
30 any officer in good standing in the PCA. A member of the court so employed shall not
31 be allowed to sit in judgment in the case. Courts are encouraged to suggest to the
32 accused/appellant the names of potential representatives and potential advisors he
33 might contact.
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35 **Rationale**
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37 This proposal seeks to refine a recent amendment to *BCO* 32-19 that enlarged the scope of
38 persons who may act as a representative for an accused in before a court of the Church. That
39 amendment, adopted at the 2025 General Assembly, permitted an accused to select any
40 member in good standing in a church in his same Presbytery, whether the representative was
41 an officer or not, to represent him in his case before his Session or before his Presbytery. The
42 accused could also select any member in good standing in the whole PCA, whether an officer
43 or not, to represent him in any proceedings regarding his case before the Standing Judicial
44 Commission.
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1 The instant proposal seeks to limit the persons who may function in the role of a
2 representative.

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4 Representatives of an accused, like prosecutors, effectively function as officers of the court
5 that conducts the proceedings. Before the 2025 amendment, church members could act as
6 representatives for an accused fellow member of the congregation before their own Session,
7 but, not being subject to the jurisdiction of the higher courts, were not permitted to participate
8 as representatives in proceedings before the higher courts.

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10 The 2025 amendment effectively reversed that longstanding rule and allowed non-officers to
11 function as representatives at every level of the PCA disciplinary process.

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13 While it is practical and prudent to allow a non-officer to function as a representative in
14 proceedings before the Session of a church where both the representative and accused are
15 members, it is neither necessary nor prudent to permit non-officers to function effectively as
16 court officers by serving as representatives in judicial proceedings before the higher courts of
17 the Church.

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19 Officers are men vetted both by the people of a congregation and a court of the Church for
20 spiritual integrity, theological conformity, as well as knowledge of and commitment to our
21 Standards, including the Rules of Discipline. Non-officers are not. Of course, not being an
22 officer does not inherently signal a lack of either integrity or competence to function as a
23 representative in formal disciplinary proceedings, but it doesn't guarantee it either. But the
24 standards of ordination have developed a credible metric for measuring both of those
25 components that is not an inherent feature of bare church membership in "good standing."

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27 In general, the business of our courts should, to the extent reasonably practicable, be carried
28 out by officers of our courts. Ordained persons have been uniquely qualified to serve in the
29 higher courts of the Church, especially in cases of process where theological conformity,
30 commitment to our polity, and personal integrity are essential to the orderly administration of
31 Church discipline. These qualities are typified by the vows of ordination, vows neither taken
32 by nor demanded from non-officers.

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34 It is reasonable to make an exception to this general rule in formal proceedings before
35 Sessions, since local church officers are often unavailable to serve as a representative in such
36 matters, both because their ranks are easily consumed in serving as either prosecutor or judge
37 in support of such proceedings, or because an accused may feel that his local officers
38 conducting his prosecution might be biased against him.

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40 By contrast, there is no reason to abandon the general principle that church officers should
41 serve in the capacity of as representatives for the accused in the higher courts of the Church.

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43 The proposal, if adopted, would require representatives for an accused to be selected from
44 among church officers at every level of the church courts except in proceedings before a
45 Session.

Overture 56, Southwest Florida Presbytery

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3 *Adopted by the Southwest Florida Presbytery at its stated meeting, February 14, 2026*

4 *Attested by TE Freddy Fritz, Stated Clerk*