

July 15th, 2026

The South Carolina Court Of Appeals
1220 Senate Street
Columbia, SC 29201

Ref: Perez v Edgefield Community Healthcare, LLC
Case Number 2026-001556
Letter of Deficiency dated July 15th, 2026

RECEIVED

JUL 17 2026

SC Court of Appeals

Dear Clerk of Court:

The proof of service is Attached hereto:

Unfortunately Ms Perez is unable to sign as she is non compos mentis residing in the Defendant's Nursing Home. I respectfully submit that I, Jose A Perez her son and power of attorney have the right to access SC Courts on her behalf: As grounds in support thereof I show that :

- 1- The US Supreme Court has held that a parent-child relationship easily satisfies the close relationship requirement for next friend standing¹.
- 2- The US Supreme Court has also ruled that litigants may assert the rights of a third party – where as here, he has a close relationship with that third

¹ Sessions v. Morales-Santana, 582 U.S. 47, 57 (2017).

party², and the third party has obstacles preventing her from suing on her own behalf³.

- 3- The US Supreme Court has emphasized that “in keeping with the ancient tradition of the [next friend] doctrine”, that one necessary condition for “next friend” standing in federal court is a showing by the proposed “next friend” (prochein ami at common law) that the real party in interest is unable to litigate her own cause due to mental incapacity, lack of access to court, or other similar disability⁴.
- 4- A Bruen⁵ Historical analysis shows that non-lawyers – next friend - (prochein ami) were allowed to practice law at common law⁶: Early colonial

² The US Supreme Court has held that a parent-child relationship easily satisfies the close relationship requirement for next friend standing, *Sessions v. Morales-Santana*, 582 U.S. 47, 57 (2017).

³ *Powers v. Ohio*, 499 U.S. 400, 410-11, 111 S. Ct. 1364, 113 L. Ed. 2d 411 (1991) *Singleton v. Wulff*, 428 US 106 (1976)

⁴ *Whitmore Ex Rel. Simmons v Arkansas*, 495 US 149, 165 (1990)

⁵ *NY State Rifle & Pistol Association v Bruen*, 597 US 1, 8-22 (2021) In *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022), the Supreme Court overturned a century-old New York concealed-carry law. The ruling replaced traditional means-end scrutiny with a "text, history, and tradition" standard, requiring the government to prove modern gun regulations are consistent with the nation's historical tradition of [firearm] regulation. Accord : *Unisys Corp v South Carolina*, 551 SE 2d 263, 346 SC 158 (2001) *Citing W. Matthews Contracting Co. v. South Carolina Tax Comm'n*, 267 S.C. 548, 230 S.E.2d 223 (1976) (a Historical analysis is necessary in order to properly ascertain that the state intended to regulate the practice of law) ;

⁶ *Unauthorized Practice of Law and Meaningful Access to the Courts*, 35 Cardozo Law Rev. 2043, 2046 FN 14 (2014)

documents protected the right of litigants to proceed pro se, or to choose whomever they desired to represent them⁷

- 5- In Whitmore Ex Rel Simmons v Arkansas, 495 US 149, 163 FN 4 (1990) the US Supreme Court identified Federal and State courts which allowed next friend or prochein ami to prosecute lawsuits in support of third parties see also (1) In Re Moore, 209 US 490 (1908) the next of friend 's right to prosecute the lawsuit on behalf of an infant was not challenged by the federal nor Illinois Courts; (2) Morgan v Potter, 157 US 195 (1895) (The next friend, by whom the suit is brought on behalf of the infant, is neither technically nor substantially the party, but resembles an attorney ..., by whom a suit is brought or defended in behalf of another. The suit must be brought in the name of the infant, and not in that of the next friend. *Crandall v. Slaid*, 11 Met, 288; *Guild v. Cranston*, 8 Cush. 506)); See also (3) Bertinelli v. Galoni, 200 A. 58 , 331 Pa. 73 (1938) *Pennsylvania Supreme Court* (It is urged upon us by appellant (really the

⁷ Ibid , @ page 2047 citing *Faretta v. California*, 422 U.S. 806, 828-30 (1975). For example, the influential Pennsylvania Frame of Government of 1682 explicitly provided that "in all courts all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves; or, if unable, by their friends." Id. at 828 n.37 (internal quotation marks omitted); see also Benjamin Hoorn Barton, *Why Do We Regulate Lawyers?: An Economic Analysis of the Justifications for Entry and Conduct Regulation*, 33 ARIZ. ST. L.J. 429, 429 (2001) ("In the middle of the nineteenth century the legal market was virtually unregulated."). See also *NJ Bifurcated Bar*, 12 Seton Hall Review, 242, 243 FN 11 (1982)

insurance company) that the grandmother cannot maintain the action in the infant's behalf, the child's parents being alive and supporting her in their home. We think this position not maintainable. The sole purpose in having a next friend is to supply the want of capacity in the minor, to afford someone responsible for the costs. He is in no sense a party, "**but resembles an attorney**, or a guardian ad litem, by whom a suit is brought or defended in behalf of another": *Haines v. Fitzgerald*, 108 Pa. Superior Ct. 290, 165 A. 52 (Pa. Super. Ct.- 1933). Accord : *Mahoney v. Park Steel Co.*, 217 Pa. 20, 66 Atl. 90 (1907)

- 6- According to the following entities the ban on non-lawyer representation harm consumers and the poor : the Federal Trade Commission⁸, the Administrative Conference of the United States⁹ and even the American Bar Association¹⁰

⁸ https://www.ftc.gov/sites/default/files/documents/advocacy_documents/ftc-staff-comment-mr.carl-e.testo-counsel-rules-committee-superior-court-concerning-proposed-rules-definition-practice-law/v070006.pdf

⁹ <https://www.acus.gov/document/nonlawyer-assistance-and-representation>

¹⁰ <https://www.americanbar.org/news/abanews/aba-news-archives/2025/02/non-lawyer-services-close-justice-gap/>

- 7- But the SC Judiciary is precluded from transgressing upon Ms. Perez' fundamental right to access the courts in order to have her grievances redressed; ¹¹.
- 8- The SC General Assembly is the only entity which is Constitutionally authorized to grant or remove subject matter jurisdiction ¹². The Supreme Court has held that a court should not treat a statutory limitation on a cause of action as a limitation on jurisdiction unless the General Assembly “‘clearly states’ that [the] requirement is ‘jurisdictional’¹³
- 9- There are no Constitutional provisos or statutes preventing non-lawyers from representing others in state courts. Actually , the opposite is true, the General Assembly recognizes that **any individual** may represent another individual before any tribunal¹⁴ In Re Unauthorized Practice of Law Rules, 309 SC 304 , 422 SE 2d 123 (1992) citing S.C. Code Ann. § 40-5-8 (1986)
- 10- The South Carolina Bar have not , and can not , show that denying Ms Perez’ right to be heard in State Courts by and through her non-lawyer

¹¹ Unisys Corp v South Carolina, 551 SE 2d 263, 346 SC 158 (2001) citing Hodges v Rainey , 341 SC 79 , 532 SE 2d 578 (2000); Ryland v Shapiro , 708 F.2d 967 (1987) citing *Chambers v. Baltimore & Ohio Railroad*, 207 U.S. 142, 28 S.Ct. 34, 52 L.Ed. 143 (1907),

¹² Ibid

¹³ Ibid

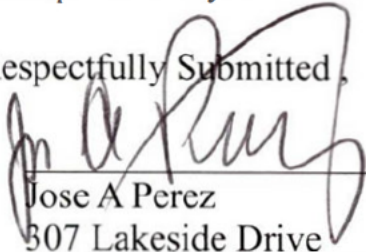
¹⁴ S.C. Code Ann. § 40-5-8 (1986):

son is consistent with the Nation's historical tradition of the regulation of the practice of Law¹⁵.

11- Furthermore, SC Constitution Article V, Section 15 states : Justices of the Supreme Court must have been **“licensed attorneys at law for at least 8 years”** – Ms Perez respectfully submits that the proviso disqualifies the SC Judiciary imposing restrictions upon non lawyers in “unauthorized practice of law cases ” because the US Supreme Court has ruled that Judges are precluded by the maxim which states that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity” . Gutierrez de Martines v. Lamagno, 515 US 417 (1995) citing See *In re Murchison*, 349 U. S. 133, 136 (1956) .”); *Spencer v. Lapsley*, 20 How. 264, 266 (1858) and The Federalist No. 10, p. 79 (C. Rossiter ed. 1961).

12- WHEREFORE, I respectfully submit that I ought to be allowed to represent my mother in this cause of action .

Respectfully Submitted,



Jose A Perez
307 Lakeside Drive

¹⁵ *Unisys Corp v South Carolina*, 551 SE 2d 263, 346 SC 158 (2001) Citing *W. Matthews Contracting Co. v. South Carolina Tax Comm'n*, 267 S.C. 548, 230 S.E.2d 223 (1976) (a Historical analysis is necessary in order to properly ascertain that the state intended to regulate the practice of law) ; *NY State Rifle & Pistol Association v Bruen* , 597 US 1, 8-22 (2021) (Same)

North Augusta, SC 29841
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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Courtney Clyburn Pope, Circuit Court Judge

Appellate Case No.2026-001556

Elvira Perez

Plaintiff

Vs.

Edgefield Community
Healthcare, LLC

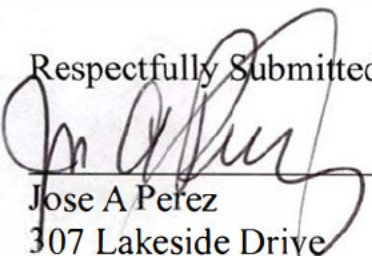
Defendant.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the Notice Of Appeal and a Certificate of Service has been served personally upon the Court of Appeals and upon the Defendant's Attorney by USPS First Class Mail sent to

Edgefield Community Health LLC
ICO: Corporation Service Company
100 Coastal Drive – Suite 210
Charleston, SC 29429

Respectfully Submitted ,



Jose A Perez

307 Lakeside Drive

North Augusta, SC 29841

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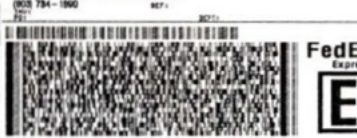
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