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**Oct 07 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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Appellate Case No.2026-001556

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Elvira Perez

Appellant

Vs.

Edgefield Community

Healthcare, LLC

Appellee

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**APPELLANT'S MOTION  
TO RECONSIDER THE OCTOBER 5<sup>th</sup>, 2026 ORDER**

Elvira Perez hereby respectfully objects to the October 5<sup>th</sup>, 2026 Order in which the Court of Appeals declared that non Lawyer Jose A Perez can not represent his mother in SC Courts. Ms Perez objects. As grounds in support thereof Ms Perez shows:

**THE OCTOBER 5, 2026 ORDER VIOLATES  
RULE 220 SCACR AND SC CODE § 14-8-250**

Under Rule 220 , SCACR and S.C. Code § 14-8-250 the Court of Appeals are mandated to issue written decisions that address **every distinct point necessary to the final ruling**, alongside the underlying legal reasons.

The crux of Ms. Perez appeal is the fact that the US Supreme Court has ruled that the fundamental Constitutional right to access the courts allow litigants to assert the rights of a third party – where as here, he has a close relationship with that third party<sup>1</sup>, and the third party has obstacles preventing her from suing on her own behalf<sup>2</sup>.

The Defendant has failed or refused to refute or rebut that issue therefore the issue ought to be considered as conceded or its objection to the same considered waived<sup>3</sup>.

Ms Perez adamantly but respectfully objects to the Court of Appeals failure or refusal to adjudicate such a prominent issue which constitutes the primary underlying basis for Ms. Perez' Constitutional claims.

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<sup>1</sup> 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).

<sup>2</sup> *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)

<sup>3</sup> *Creech v South Carolina Wildlife and Marine Resources Dep't*, 328 SC 24, 491 SE 2d 571 (1997)

## **THE COURT OF APPEALS HAS A MINISTERIAL DUTY TO FOLLOW BINDING US SUPREME COURT RULINGS**

Under the Supremacy Clause of the U.S. Constitution (Article VI, Clause 2), federal law and constitutional interpretations by the U.S. Supreme Court take precedence over state constitutions and state laws<sup>4</sup>.

The US Supreme Court has also ruled that the fundamental Constitutional right to access the courts allow litigants to assert the rights of a third party – where as here, he has a close relationship with that third party<sup>5</sup>, and the third party has obstacles preventing her from suing on her own behalf<sup>6</sup>.

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 disability<sup>7</sup>.

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<sup>4</sup> A rule stated in a decision by the United States Supreme Court and based on the United States Constitution is binding on state courts under the Supremacy Clause., *Henry v. City of Rock Hill*, 376 U.S. 776, 84 S.Ct. 1042, 12 L.Ed. (2d) 79 (1964)

<sup>5</sup> 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).

<sup>6</sup> *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)

<sup>7</sup> *Whitmore Ex Rel. Simmons v Arkansas* , 495 US 149, 165 (1990)

**THE COURT OF APPEALS ALSO HAS A MINISTERIAL DUTY  
TO ADHERE TO SC SUPREME COURT PRECEDENTS**

S.C. Const. art. V, § 9 state that The decisions of the state Supreme Court shall bind the Court of Appeals as precedents.

Both the US an SC Supreme Court have ruled that A Bruen<sup>8</sup> type Historical analyses are necessary to show that the common law protected right of litigants to proceed pro se, or to choose whomever they desired to represent them<sup>9</sup> is no longer applicable. The Order does not show that an analysis was done.

**THE COURT OF APPEALS FAILED OR REFUSED TO  
CONSIDER THE ADVERSE-DISPARATE EFFECT OF THE RULING  
PURSUANT TO THE ADA AND THE REHABILITATION ACT OF 1973**

Ms Perez sought the jurisdiction of the Court of Common Pleas pursuant to Title I of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12111, et

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<sup>8</sup> 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 abolish common law or prochein ami practices.

<sup>9</sup> 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)

seq. , and The Rehabilitation Act of 1973. She introduced evidence showing that according to the following entities the ban on non-lawyer representation harm consumers and the poor : the Federal Trade Commission<sup>10</sup> , the Administrative Conference of the United States<sup>11</sup> and even the American Bar Association<sup>12</sup> . The October 5<sup>th</sup>, 2026 Order failed or refused to take into consideration the disparate and adverse impact of the ruling upon individuals who are non compos mentis.

Ms Perez respectfully emphasizes that the Court of Appeals SURREPTIOUSLY and SUA SPONTE placed her related appeal on permanent abeyance.

### **CONCLUSION**

WHEREFORE Ms Perez respectfully submits that the October 5<sup>th</sup>, 2026

Order ought to be vacated or amended.

Respectfully Submitted ,

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/S/  
Jose A Perez  
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North Augusta, SC 29841  
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<sup>10</sup> [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](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)

<sup>11</sup> <https://www.acus.gov/document/nonlawyer-assistance-and-representation>

<sup>12</sup> <https://www.americanbar.org/news/abanews/aba-news-archives/2025/02/non-lawyer-services-close-justice-gap/>

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CERTIFICATE OF SERVICE

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It is hereby certified that a copy of

**APPELLANT'S MOTION  
TO RECONSIDER THE OCTOBER 5<sup>th</sup>, 2026 ORDER**

was served by emailing a copy thereof on this 7<sup>th</sup>, Day of October 2026 to:

Jerome B Crites  
Burr and Foreman  
850 Morrison Drive, Suite 300  
Charleston, SC 29403  
[bcrites@burr.com](mailto:bcrites@burr.com)

Respectfully Submitted ,

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\_\_\_\_\_/S/\_\_\_\_\_  
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