

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs May 1, 2026

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Clerk of the
Appellate Courts

TERRANCE REESE v. RACHEL HILL (FORMERLY LAMBERT)

Appeal from the Circuit Court for Knox County
No. 3-89-23 Deborah C. Stevens, Judge

No. E2025-01783-COA-R3-CV

The trial court dismissed Appellant's legal malpractice claims against Appellee as time-barred. Discerning no error, we affirm the judgment of the trial court.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

VALERIE L. SMITH, J., delivered the opinion of the court, in which JOHN W. MCCLARTY, P.J., E.S. and W. NEAL MCBRAYER, J., joined.

Terrance Reese, Knoxville, Tennessee, appellant, *pro se*.

Rachel S. Hill, Knoxville, Tennessee, appellee, *pro se*.

OPINION

I. FACTS AND PROCEDURAL HISTORY

On April 11, 2023, Terrance Reese filed a complaint against his former attorney, Rachel S. Hill, for legal malpractice (the "Complaint"). In the underlying case, Ms. Hill was appointed on December 11, 2018, to represent Mr. Reese in a criminal matter at trial and during sentencing. Specifically, Ms. Hill defended Mr. Reese in Knox County Criminal Court against a seventeen-count indictment.¹ Counts ten through seventeen against Mr. Reese were dismissed prior to trial for lack of subject matter jurisdiction. Ultimately, Mr. Reese was convicted of counts one through eight and acquitted of count nine. On October 31, 2019, Mr. Reese was given a total effective sentence of twenty-two years for his

¹ Counts one through four against Mr. Reese were firearms charges; count five was for vandalism; counts six through nine were for aggravated assault of multiple victims; and counts ten through seventeen were gang-enhancement charges.

convictions. Ms. Hill subsequently filed a motion to withdraw, which was granted in January 2020.

On January 21, 2022, Mr. Reese, acting *pro se*, filed a “Motion Requesting Correction of Illegal Sentence.” Therein, Mr. Reese alleged that he had been improperly sentenced. Further, according to Mr. Reese’s sworn complaint, he filed a petition for post-conviction relief on June 24, 2022. On February 15, 2023, in its order, the post-conviction court found as follows:

The court finds that Petitioner has failed to establish that trial counsel was deficient at trial other than the issue concerning impeaching with a prior statement. The Petitioner has failed to establish prejudice on this issue. The Petitioner has shown ineffective assistance of counsel regarding the sentencing issue. The court finds the appropriate remedy to be the entry of a corrected judgment as outlined above.

Thereafter, Mr. Reese filed a complaint against Ms. Hill alleging “common law” legal malpractice, initiating the case at issue on April 11, 2023. In the Complaint, Mr. Reese asserted four claims of malpractice against Ms. Hill, including that she failed to interview witnesses and failed to investigate matters related to sentencing prior to Mr. Reese’s sentencing hearing. Ms. Hill filed an answer and a cross-motion for summary judgment asserting that Mr. Reese’s claims were barred by the statute of limitations. On March 6, 2024, Ms. Hill filed a Statement of Undisputed Material Facts in Support of Motion for Summary Judgment on the Issue of Statute of Limitations. Mr. Reese filed his own Statement of Undisputed Material Facts on March 18, 2024.

On October 16, 2024, the trial court entered an order granting Ms. Hill’s motion for summary judgment and dismissing Mr. Reese’s complaint, holding:

[Mr. Reese] does not dispute that the cause of action accrues when the plaintiff knows or in the exercise of reasonable care and diligence should know that an injury has been sustained. However, [Mr. Reese] asserts that he did not become aware of the facts regarding the error in his sentencing until he filed a petition for post-conviction relief on June 24, 2022. [Mr. Reese] does not mention or address his *pro se* “Motion Requesting Correction of Illegal Sentence” filed with the clerk of the Knox County Criminal Court on January 21, 2022, which specifically asserted that his sentence was improper and is one “that is not authorized by the applicable statutes or that directly contravenes an applicable issue.”

Based upon the Petition filed and signed by Terrance Reece on January 21, 2022, this Court finds that there is no genuine issue of material fact that Plaintiff Reece was put on notice that he was sentenced as a Range III

offender which he claimed was illegal and unauthorized by the applicable statutes. Even if [Mr. Reese] did not know the full extent of his injuries, he knew he had been injured by the application of improper statutes at his sentencing hearing Therefore, the statute of limitations accrued on January 21, 2023². The present action, the suit for malpractice, against the attorney who represented him at the sentencing hearing, Defendant, Rachel Hill, was not filed until April 11, 2023, approximately two plus months after the statute of limitations expired.

Mr. Reese timely filed a notice of appeal.

II. ISSUE PRESENTED

Mr. Reese presents the following issue for our review:

Whether the trial court improperly granted Ms. Hill's motion for summary judgment on the issue of statute of limitations as to counts one through three (1-3) of Mr. Reese's common law legal malpractice complaint, along with count four (4).

III. STANDARD OF REVIEW

We review the trial court's grant of summary judgment *de novo*, with no presumption of correctness. *Rye v. Women's Care Ctr. of Memphis, M PLLC*, 477 S.W.3d 235, 250 (Tenn. 2015) (citing *Bain v. Wells*, 936 S.W.2d 618, 622 (Tenn. 1997); *Abshire v. Methodist Healthcare-Memphis Hosp.*, 325 S.W.3d 98, 103 (Tenn. 2010)). As part of our review, we accept the evidence as presented by the nonmoving party, "allow all reasonable inferences in its favor; and resolve any doubts about the existence of a genuine issue of material fact in favor of" the nonmoving party. *TWB Architects, Inc. v. Braxton, LLC*, 578 S.W.3d 879, 887 (Tenn. 2019) (citing *Martin v. Norfolk S. Ry.*, 271 S.W.3d 76, 84 (Tenn. 2008)).

IV. LAW AND ANALYSIS

The trial court granted Ms. Hill's motion for summary judgment on each of Mr. Reese's four claims based on the determination that they were barred by the statute of limitations. As we review the grant of a motion for summary judgment *de novo* with no

² We note that the statute of limitations actually accrued on January 22, 2023. Because the complaint at issue was filed on April 11, 2023, this miscalculation by the trial court is harmless.

presumption of correctness, this Court must “make a fresh determination of whether the requirements of Rule 56 of the Tennessee Rules of Civil Procedure have been satisfied.” *Rye v. Women's Care Ctr. of Memphis, M PLLC*, 477 S.W.3d 235, 250 (Tenn. 2015). A party is entitled to summary judgment only if the “pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Tenn. R. Civ. P. 56.04. The nonmoving party “must do more than simply show that there is some metaphysical doubt as to the material facts.” *Id.* at 252 (quoting *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986)). Thus, this Court focuses on whether the nonmoving party produced sufficient evidence at the summary judgment stage to demonstrate the existence of a genuine issue of material fact—“not on hypothetical evidence that theoretically could be adduced, despite the passage of discovery deadlines, at a future trial.” *Id.* at 266.

“Actions and suits against . . . attorneys for malpractice shall be commenced within one (1) year after the cause of action accrued, whether the action or suit is grounded or based in contract or tort.” Tenn. Code Ann. § 28-3-104(c)(1). Determination of when such a “cause of action accrued” has been explained by this Court as follows:

The one-year limitations period applicable to legal malpractice actions is subject to the discovery rule. Under the discovery rule, a plaintiff’s action accrues from the time he knows, or in the exercise of reasonable care should know, that he has suffered an injury as a result of a defendant’s wrong-doing. The knowledge of injury may be actual or constructive. Constructive knowledge may be found when the plaintiff is aware of facts that reasonably put him on notice that the defendant’s conduct has caused him an injury.

It is not necessary that the plaintiff know that the defendant’s conduct was, in fact, below the standard of care, and the plaintiff may not delay the filing of a suit until all the consequences of the alleged malpractice are actually known. Thus, the plaintiff must be aware of facts which reasonably put him on notice that he has suffered an injury and that the injury resulted from the alleged professional negligence.

Wilson v. Sledge, No. W2012-00513-COA-R3CV, 2013 WL 4680230, at *3-4 (Tenn. Ct. App. Aug. 29, 2013) (citing *Wilson v. Pickens*, 196 S.W.3d 138, 142 (Tenn. Ct. App. 2005) (internal citations omitted)).

In his brief, Mr. Reese asserts that the trial court’s dismissal of his complaint was in error, setting forth the following argument in his appellate brief in support of his position:

Although the trial court properly determined that count four (4) was barred by the statute of limitations because as of January 21, 2022, [Mr. Reese] was

aware of his illegal “sentence” as a career offender, which gave [Mr. Reese until] January 21, 2023, to file suit on his illegal sentence as a career offender, the trial court improperly determined that counts 1-3 were also barred by the statute of limitations because [Mr. Reese] was not aware of those facts until June 24, 2022, when he filed his petition for post-conviction relief from his “convictions,” which gave [Mr. Reese until] June 24, 2023, to file suit on those counts.

[Mr. Reese] filed his complaint on April 11, 2023, two months before the statute of limitations ran out for counts 1-3.

As set forth above, Mr. Reese continues to assert on appeal that he did not become aware of Ms. Hill’s errors/alleged malpractice until June 24, 2022, which is when he filed his motion for post-conviction relief. However, he fails to offer any explanation as to how he was not (or should have been) on notice of Ms. Hill’s actions that led to his sentencing errors when he filed a motion entitled “Motion to Correct Illegal Sentencing” on January 21, 2022. From our review of the record, Mr. Reese complains of the same conduct in his complaint for “common law” legal malpractice against Ms. Hill on April 11, 2023.

As such, we agree with the trial court’s conclusion that Mr. Reese’s claims for legal malpractice against Ms. Hill were time-barred. There is no genuine issue of material fact that disputes that Mr. Reese was aware of “facts which reasonably put him on notice that he has suffered an injury and that the injury resulted from the alleged professional negligence” on or before January 21, 2022. *See Wilson* 2013 WL 4680230, at *3-4. Therefore, Mr. Reese’s complaint for legal malpractice filed on April 11, 2023, was filed after the one-year statute of limitations expired.

V. CONCLUSION

For the foregoing reasons, the judgment of the trial court is affirmed. Costs of this appeal are taxed to the Appellant, Terrance Reese, for which execution may issue, if necessary.

s/ Valerie L. Smith
VALERIE L. SMITH, JUDGE