

Case Nos.: SG09-218-2849, SG10-0017, SG10-0042,
SG10-0398, SG10-0236, SG10-0445,
SG11-0150, SG12-0629, SG12-0203,
SG12-1784, SG12-1583, SG130101,
SG13-0196, SG13-0226, SG13-0227,
SG13-0403, SG13-0458, SG13-0631,
SG13-0785, SG14-1418, SG14-1550



FILED

FEB 26 2013

STATE BAR OF NEVADA
BY *[Signature]*
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

CORY J. HILTON, ESQ.,

NV Bar No. 4290,

Respondent.

PUBLIC REPRIMAND

To: Cory J. Hilton, Esq.
C/O Michael J. Warhola, Esq.
625 S. Sixth Street
Las Vegas, Nevada 89101

This Complaint comprises multiple matters for which you have agree to plead guilty to in exchange for a stated form of discipline pursuant to SCR 113. The facts of the matters to which you have agreed to accept discipline by consent are summarized as follows:

1. Bernadine Nelson. You were retained on February 18, 2009 to represent Ms. Nelson and her husband to handle a personal injury claim. Nelson contacted you over a period of two years in an attempt to get information about the progress of the case. You claimed you had notified the client of your intent not to handle the case, but Nelson states she was not notified.

Following receipt of the grievance you contacted Nelson and agreed to continue with your representation. Again, however, you did not have any contact with the client for several months and failed to communicate your desire to terminate representation because you believed the filing of the grievance created a conflict between you and your client.

1 Your conduct as stipulated herein violates Rule of Professional Conduct (RPC) 1.3
(Diligence) and 1.4 (Communication). Based upon the foregoing you are hereby **PUBLICALLY**
2 **REPRIMANDED**.

3 **2. Robert Rose.** Robert Rose retained you on August 2, 2008 regarding a lawsuit
against the Endoscopy Center of Southern Nevada and Dr. Dipak Desai. You assured Rose his
4 case had been filed.

5 Rose made repeated attempts to contact you by phone and by going to your office, but was
unsuccessful in speaking with you or obtaining any information regarding his case. On May 31,
6 2011, Rose personally delivered a letter to your office in which he requested a copy of his file.
When Rose called to check on when he would receive a copy of his file he was told you had not
7 received his letter.

8 You stated action had not been taken on the matter because you could not find a retainer
agreement and believed Rose was being represented by another attorney on this matter. You
9 believed your representation involved side effects caused by medications being taken by Rose.
You neglected to act with reasonable diligence and to keep the client reasonably informed, but
10 acted without the conscious objective to intentionally injure the client.

11 Your conduct as stipulated herein violates RPC 1.3 (Diligence) and 1.4 (Communication).
Based upon the foregoing you are hereby **PUBLICALLY REPRIMANDED**.

12 **3. Gerald Paddio.** You were retained by Gerald Paddio to file an appeal to the
Nevada Supreme Court regarding a family court order distributing pensions and awards for the
13 failure to pay spousal support. You filed the appeal on June 27, 2011.

14 On September 27, 2011, you were noticed of the failure to file the docketing statement and
directed to file the docketing statement within ten days. You failed to file the docketing statement
15 and on October 25, 2011, was directed a second time by the Supreme Court to file the statement
within ten days. After settlement attempts failed, you were ordered on November 22, 2011, to
16 once again file the required docketing statement. On February 29, 2012, you were sanctioned for
your failure to comply with the prior orders of the Court.

17 Additionally, you failed to file the opening brief. A motion to dismiss the appeal was filed.
18 You failed to file an opposition and the appeal was dismissed on May 4, 2012. You stated Paddio
had not paid the complete retainer for your services, however, you failed to advise Paddio the
19 appeal had been dismissed or moved to withdraw from the appeal.

20 Your conduct as stipulated herein violates RPC 1.3 (Diligence) and 1.4 (Communication).
Based upon the foregoing you are hereby **PUBLICALLY REPRIMANDED**.

21 **4. State Bar of Nevada.** On February 14, 2013, and February 19, 2013, the State Bar
22 of Nevada was advised you had overdrawn your client trust account. You stated you were advised
to open a second client trust account when a partner left your law firm on or about November 26,
23 2012. You indicated you had issued the checks from the wrong account. Both checks were
reissued.

24 While there is no evidence any client or third party was injured, you failed to properly
25 account for matters held in trust in the separate accounts and as between the two accounts. Your

1 conduct as stipulated herein violates RPC 1.15 (Safekeeping of Property). Based upon the
2 foregoing you are hereby **PUBLICALLY REPRIMANDED**.

3 **5. Akeem Smith.** Akeem Smith retained you to represent him for injuries resulting
4 from a motor vehicle accident in March of 2009. The matter was settled on August 10, 2010, in
5 the amount of \$7,500.

6 A settlement disbursement sheet prepared by you identified a lien from UMC ER in the
7 amount of \$1,593.97. You indicated you would be responsible for the payment of the lien
8 amount.

9 On August 26, 2014 you issued a check in the amount of \$1,594 made payable to your
10 client. The check memo indicates the purpose of the check was for "bill pay UMC ER." You
11 failed to provide any explanation for the delay in paying a recognized lien or why the payment
12 was made through the client. You neglected to be diligent in the processing of payments and
13 failed to properly hold funds in trust by issuing the check to the client.

14 Your conduct as stipulated herein violates RPC 1.3 (Diligence) and 1.15 (Safekeeping of
15 Property). Based upon the foregoing you are hereby **PUBLICALLY REPRIMANDED**.

16 **6. Scott Robertson.** Scott Robertson was involved in a motorcycle accident in 2007
17 and also suffered complications resulting from an alleged medical malpractice suffered during his
18 stay at a rehabilitation facility. You were retained to represent Robertson in both matters.

19 A dispute ensued regarding the payment of liens from a settlement from the motorcycle
20 accident. A lien retention agreement was executed on December 1, 2010. You agreed to make an
21 immediate disbursement to Robertson and disburse funds in payment of a lien for UMC. The
22 agreement provides for you to hold \$10,000 in trust pending resolution of other medical liens. No
23 funds have been disbursed to the current holder of the medical liens.

24 You filed the medical malpractice action on May 29, 2008. Mediation was attempted, but
25 failed in June of 2009. On August 18, 2010, the parties agreed to arbitrate the matter through
JAMS.

The arbitrator dismissed the matter on January 31, 2012, for lack of prosecution. Note was
made of failing to respond to written discovery requests or attempts to meet and confer. It was
also noted Robertson had failed to appear for his deposition on three different occasions. The
decision indicates "the Arbitrator finds NO evidence of real diligence or even real interest in
pursuing this matter for years on the part of Appellant and his Counsel, as well as absolutely NO
showing of circumstances excusing said lack of diligence."

Judgment was entered in favor of the defendant against Robertson on March 29, 2012.
You filed a Notice of Appeal on May 1, 2012, but failed to pay the required fees within ten days.
You were delinquent in filing the case appeal statement and ordered to file the document within
ten days. The case appeal statement was not filed as ordered and was found to be deficient. You
were ordered to file a proper statement within the days.

The opposing party filed a motion to dismiss the appeal due to your failure to properly
prosecute the appeal in accordance with applicable rules of procedure. Your services were
terminated when Robertson learned of the motion for dismissal. The change of counsel occurred

1 shortly before a scheduled mediation. The matter was successfully mediated in favor of Robertson
prior to any final action on the motion to dismiss the appeal.

2 While the appeal was not dismissed, you neglected to act with reasonable diligence and
keep the clients reasonably informed. Your conduct as stipulated herein violates RPC 1.3
3 (Diligence), 1.4 (Communication) and 3.2 (Expediting Litigation). Based upon the foregoing you
are hereby **PUBLICALLY REPRIMANDED**.

4
5 **7. Chiropractic Works North and Elia Contreras.** You were contacted in August
of 2014 for payment of a lien that had been submitted on September 26, 2013. Payment was not
6 made to the lienholder until December 9, 2014, which was shortly after you received an open file
letter from the State Bar.

7 Elia Contreras retained you to represent her in a personal injury action arising from a slip
and fall on July 16, 2010. A grievance was filed on November 20, 2014, because Contreras was
8 having difficulty communicating with you.

9 You sent a proposed settlement distribution sheet to Contreras on October 15, 2014, for a
settlement you received on February 14, 2015. Distributions were made to your client by four
10 checks issued between March 9, 2014, and May 4, 2014. Three of the checks were issued from an
unknown account.

11 You neglected to reasonably communicate with your client or to diligently pursue this
12 matter. You also neglected to properly account for the proceeds of the settlement. Your conduct
as stipulated herein violates RPC 1.3 (Diligence), 1.4 (Communication) and 1.15 (Safekeeping
13 Property.)

14 Dated this 11th day of February, 2016

15
16 By: 

17 Thomas R. Sheets, Esq.
Hearing Panel Chair
Southern Nevada Disciplinary Board