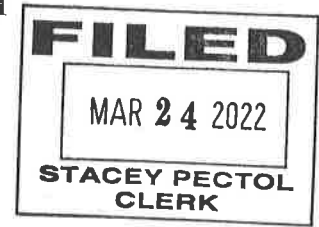


**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: IRIS L. MUKE, Respondent
 Arkansas Bar No. 2003119
 Docket No. CPC-2021-029



FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from the grievance of Anita Daniel. Respondent Iris L. Muke is an attorney practicing primarily in Clarksville, Arkansas.

In December 2014, Anita Sue Daniel, her son Robert Mitchell, and Robert's wife Lisa Mitchell retained Muke to represent their interests in matters relating to the estate of Daniel's brother, Carl "Dennis" Daniel. Prior to his death, Anita Daniel's father transferred real property into Dennis' name with the understanding that Dennis was to make distribution to his siblings, including Anita Daniel. In 2010, Robert and Lisa Mitchell made arrangements with Dennis to purchase a portion of the land in Dennis' name. The verbal agreement was Dennis would transfer title once Robert and Lisa Mitchell paid in full. Dennis died on September 28, 2014, and no transfer of title on any of the real property had taken place or been recorded.

Dennis died intestate survived by a wife and two adult children. On or about October 17, 2014, Dennis' heirs opened a probate case, 36PR-2014-136. Anita Daniel retained Muke to represent them and paid her \$1,500.

Muke filed a Complaint for Trust To Be Imposed on Estate Property in 36PR-14-136 seeking to divide Dennis' property amongst his siblings. The Administrator of Dennis' estate filed a Motion to Dismiss Complaint for a Trust to be Imposed on Estate Property claiming that "[t]he Probate Division of the Johnson County Circuit Court lacks jurisdiction over the subject matter of

this action because probate courts are not in a position to resolve litigation between the Estate and third parties.” Muke then filed an Affidavit To Claim Against Estate asserting the Complaint for a Constructive Trust as Anita Daniel’s claim against the estate. Muke also filed a separate Complaint for A Trust To Be Imposed On Real Property on behalf of Anita Daniel and Robert Mitchell as 36CV-15-45. The Complaint in 36CV-15-45 listed Dennis’ widow and two adult children as Defendants. The Complaint contains claims similar to the March 24 Complaint filed in 36PR-14-136 and also added the description for the real property in issue. The Court entered an Order dismissing 36CV-15-45 for failure to state a claim upon which relief can be granted pursuant to Ark. R. Civ. P. 12(b)(6).

Muke filed a new Complaint for A Trust to be Imposed on Real Property as 36CV-15-93. This Complaint contained largely the same allegations as 36CV-15-45. After calling witnesses and prior to resting at trial in 36CV-15-93, Muke asked for a voluntary non-suit without prejudice so that she could “fix the problems we have...I’ve got the wrong parties.” Opposing counsel objected to Muke’s non-suit as “she’s non-suited already once before...” The court granted Muke’s motion.

Muke filed a new Complaint for Constructive Trust in Dennis’ probate case. The Complaint for Constructive Trust made the same claims as in 36CV-15-45 and 36CV-15-93 as well as the prior Complaint Muke filed in 36PR-14-136. The court filed an Order granting the Estate’s Motion to Dismiss. Muke filed a Motion for Stay Pending Appeal and Notice of Appeal and Designation of Record in 36PR-14-136. Anita Daniel and Robert Mitchell deny receiving communication from Muke regarding the status of the case following the dismissal of their claim in 36PR-14-136. Muke filed a Motion for Extension of Time to File Record requesting three (3) additional months. Approximately two months later, Muke contacted Anita Daniel via Facebook,

and Anita Daniel learned that a \$300,000 bond was necessary for the appeal. Robert Mitchell did not hear from Muke. The appeal was not lodged with the Clerk of the Supreme Court.

Anita Daniel retained attorney Scott Troutt to represent them in an action against Muke. Troutt filed a Complaint in Johnson County Circuit Court 36CV-19-91 against Muke alleging malpractice. Discovery followed, and Troutt filed a Motion to Strike Defendant's Answer based on Muke's failure to answer discovery. The court issued an Order Striking Defendant's Answer. The court entered an Agreed Judgment – to which both Troutt and Muke signed in agreement – against Muke in the amount of \$203,667.50 to be paid within 120 days of the filing of the order. Muke has not made any payments toward the judgment.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

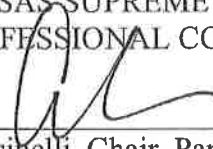
The conduct of Iris Muke, as set forth in the attached Exhibits, violated Rule 1.1, to wit:

1. Iris Muke's conduct violated Arkansas Rule 1.1 as Muke failed to provide competent representation to her client Anita Daniel relating to the property matter she was hired to resolve.
2. Iris Muke's conduct violated Arkansas Rule 1.1 as Muke failed to provide competent representation to her client Robert Mitchell relating to the property matter she was hired to resolve.

Arkansas Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Iris L. Muke, Arkansas Bar ID#2003119 be, and hereby is, **CAUTIONED** for her conduct in this matter. In assessing a sanction, Muke's prior disciplinary record was not a factor.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT – PANEL A



Erin Cassinelli, Chair, Panel A

3/2/22

Date