

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

ASHA VIVIAN MATHAI,

Attorney-Respondent,

No. 6290150.

Commission No. 2025PR00007

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Matthew D. Lango, pursuant to Supreme Court Rules 753(b) and 761, complains of Respondent, Asha Vivian Mathai, who was licensed to practice law in the State of Illinois on November 9, 2006, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Criminal Conviction – Violation of Order of Protection; Criminal Damage to Property)

1. On January 5, 2021, Respondent's sister, V.M., filed a petition for an emergency order of protection in the Circuit Court of Cook County against Respondent. V.M. sought the order because of continued and repeated harassment, in-person, via phone, social media, and text by Respondent. The matter was docketed as 2021OP70082.

2. On January 5, 2021, Judge Marina Ammendola entered an emergency order of protection in effect until January 26, 2021, prohibiting, among other things, Respondent from contacting her sister, V.M., her brother-in-law, P.S., and her nephew, L.S.

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3. On May 7, 2021, Judge Thomas N. Cushing granted a plenary order of protection in case number 21OP70082 in effect until May 5, 2023, prohibiting, among other things, Respondent from contacting V.M., P.S., and L.S.

4. Between May 14, 2021, and May 27, 2021, Respondent contacted V.M. and P.S. over seventy times via phone, text, email, and social media, with various threats, including but not limited to threats of physical harm to V.M. and P.S., and threats to hide in the basement of V.M. and P.S.'s house, waiting for them.

5. On July 13, 2021, P.S. received a notification from the video camera installed to his front door. When P.S. opened the notification, he observed Respondent holding a clothing iron and knocking on the door. Respondent then struck the front glass door with the iron, causing the door to shatter, and fled the scene.

6. On July 27, 2021, the Cook County State's Attorney's office filed a three-count misdemeanor complaint against Respondent in the Circuit Court of Cook County, Illinois. That matter was docketed as case number 2021dv7132401 and assigned to Judge Jeanne Wrenn. Count One of the complaint charged Respondent with violation of an order of protection by knowingly communicating with V.M. through email. Count Two of the complaint charged Respondent with violating an order of protection by knowingly communicating with P.S. through email. Count Three charged Respondent with criminal damage to property for knowingly damaging P.S.'s front door. On the same day, Judge Wrenn signed a warrant for the arrest of Respondent.

7. On August 6, 2021, at approximately 2:39 a.m., Respondent left a voicemail on V.M.'s phone in which she stated, "I'll f---ing kill you," "I'll f---ing kill your son," "I'll f---ing kill your husband," and "I'll f---ing kill your entire family."

8. Following the issuance of a warrant for Respondent's arrest, both the order of protection matter and misdemeanor matter described above were continued numerous times over the course of more than two years.

9. On or about November 3, 2023, the Cook County State's Attorney's office amended the criminal charges against Respondent and dismissed the charge of criminal damage to property. On that date, Respondent pleaded guilty to two counts of a violation of an order of protection and was sentenced to twelve months of conditional discharge. As part of the terms of her conditional discharge, Respondent was ordered to pay court costs and restitution in the amount of \$514.

10. As of the date of the filing of this complaint, Respondent has not successfully completed the terms of her conditional discharge in that she has failed to pay the court ordered restitution and fines. On November 1, 2024, the Cook County State's Attorney's office filed a petition to violate Respondent's conditional discharge based on her nonpayment of restitution. Respondent appeared in court on that date, and the matter was continued to December 4, 2024, for continued status on Respondent's payment of restitution. Respondent did not appear on that date, and the matter was again continued to January 8, 2025. Respondent did not appear in court on January 8, 2025, and as of the date of the filing of this complaint, the State's petition to violate Respondent's conditional discharge remains pending.

11. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on her honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including the commission of the criminal offense of violation of an order of protection (720 5/12-3.4), in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

COUNT II
*(Violation of Colorado Order of Protection;
Conduct Prejudicial to the Administration of Justice)*

12. In or about October 2019, Respondent and her husband, J.R., filed for divorce in the Circuit Court of Cook County. Shortly thereafter, in January 2020, their divorce became final. Respondent and J.R. had one child. In early 2020, after moving to the Boulder, Colorado area, J.R. obtained sole custody of their child.

13. On January 11, 2021, Respondent sent J.R. several emails stating she was going to his house in Colorado, was at his house, and was going to their daughter's preschool. Respondent also emailed J.R. a video of her contacting his neighbor and telling her she was concerned about their daughter. The subject line of the video stated, "I'm at your house and I'm coming back."

14. On January 11, 2021, Respondent sent J.R. a video of her walking up to J.R.'s front door and filming the inside of his home. In the video Respondent stated that she would keep coming back to his house and his neighbor's house until she could see her daughter.

15. On January 11, 2021, at approximately 9:46 p.m., J.R. emailed Respondent, "Asha, Please stop emailing me and calling me. This is harassing behavior."

16. On January 13, 2021, Judge Andrew Ross MacDonald in Boulder County, Colorado granted J.R. a Temporary Protection Order which ordered Respondent not to contact J.R. and to stay at least 250 feet away from his home, work, and their daughter's school.

17. On January 29, 2021, a misdemeanor complaint was signed by Boulder Police and filed against Respondent in the 20th Judicial District Court, Boulder County, Colorado. The complaint charged Respondent with harassment and domestic violence for directly and unlawfully initiating email communications with J.R. with the intent to harass him, in violation of C.R.S. 18-

9-111(1)(e) and C.R.S. 18-6-800.3, a Class 3 Misdemeanor and Enhancer. On the same day, Judge Norma Sierra signed a warrant for the arrest of Respondent.

18. On February 1, 2021, Judge MacDonald granted J.R. a Permanent Civil Protection Order which ordered Respondent not to contact J.R., except as related to litigation and mediation of their domestic relations case, and to stay at least 250 feet away from J.R.'s home, work, and their child's school. That permanent order of protection was renewed on January 11, 2023, and remains in effect as of the date of this complaint.

19. Respondent violated the permanent civil order of protection by continuing to email J.R. from February 25, 2021 to March 21, 2021. On March 18, 2021, Respondent emailed J.R., "I will kill every human in my path who hurts my daughter. When I say kill, I mean kill. KEEP HER SAFE OR I WILL KILL YOU. Asha," in violation of the permanent civil order of protection.

20. On May 19, 2021, at 8:30 p.m., Boulder Police Officer Amie Roth emailed Respondent informing her that if she contacted J.R. directly via email, phone call, or text message, she would be charged criminally with violating a protection order.

21. On May 19, 2021, at 11:01 p.m., Respondent emailed Officer Roth and copied J.R., along with attorneys Natalie Simpson, Hannah Westmont, and Robin Beattie, who represented J.R. in his divorce proceedings. Respondent's email stated, in part: "Oh! Amie, please note that I've threatened to physically assault my sister [V.M.]. I've provided her address, photo, and number to acquaintances so they can handle her if she continues to meddle in my life. Yes, this is a threat. If I'm incarcerated, her fate and [J.R.'s] fate remains the same."

22. On May 19, 2021, at 11:50 p.m., Respondent emailed Officer Roth and copied J.R. stating: "Charge me criminally. I am not afraid of you or him. . . Come arrest me."

23. On May 19, 2021, at 11:53 p.m., Respondent emailed Officer Roth and carbon copied J.R. stating: “Look, I’m contacting him again. Catch me if you can! I’m super duper scared! I know where all of you are, but do you know where I am?”

24. Between May 19, 2021, and July 20, 2021, Respondent continued to email J.R. messages in violation of the protection order, including at least 26 emails containing harassing or threatening messages directed at J.R.

25. On December 3, 2021, at 11:58 p.m., Respondent sent an email to Boulder Police Officer Roth, V.M., P.S., J.R., and attorneys Natalie Simpson, Hannah Westmont, and Robin Beattie, who represented J.R. in his divorce proceedings. The email stated, in part:

I am asking that you arrest me. I am herby threatening to kill [V.M.] and [J.R.]. You should arrest me. My address is below. If you do not act on this, you will be responsible for any harm done to them. Please contact LAPD as well. The lawfirm [sic] of PFM is also included. I am threatening you as well. . . Officer Roth, I am herby threatening harm against [V.M.] and [J.R.]. Please arrest me. . . If you do not arrest me I will harm them both and/or hire people to do so.

26. On December 4, 2021, at 12:22 a.m., Respondent sent a second email to Officer Roth, V.M., P.S., J.R., Simpson and Beattie. The email stated, in part, “This email should be reported. I will harm [J.A.] and Natalie Simpson if you do not arrest me. My address is below. Arrest me.”

27. On December 13, 2021, at 4:33 p.m., Respondent sent an email to Officer Roth, V.M., P.S., J.R., Simpson, Westmont, and Beattie. The email stated, in part:

You all must be terribly embarrassed. All your wits combined could not harm, intimidate, incarcerate, bully or phase me. Yet, even with your mighty army, every single one of you had to call the police on me. . .and yet your army still failed. . . You all will be looking over your shoulders for many years because I know where you live and work and I have proven this without any violence. At any time, I could choose violence and that is why you look over your shoulder.

28. On December 13, 2021, at 6:04 p.m., Respondent sent an email to attorneys Simpson and Westmont that stated, "I know where you live."

29. On April 28, 2022, the Lakewood Police Department filed an arrest warrant in Jefferson County, Colorado, charging Respondent with harassment, in violation of C.R.S. 18-9-111(1)(e), for Respondent's December 3, 2021, and December 4, 2021, email threats to attorneys Simpson, Westmont, and Beattie.

30. As of the date of this Complaint, both the Boulder County and Jefferson County warrants for Respondent's arrest remain outstanding.

31. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on her honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including the commission of the criminal offenses of harassment against J.R. and attorneys Simpson, Westmont, and Beattie (C.R.S. 18-9-111(1)(e)) and domestic violence (C.R.S. 18-6-800.3), against J.R. in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and
- b. engaging in conduct prejudicial to the administrator of justice by conduct including sending emails to law enforcement officers and attorneys in Boulder County and Jefferson County, Colorado which had no purpose other than the threaten and harass the recipients of those emails in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Matthew D. Lango
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