

**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

REPORT AND RECOMMENDATION OF THE HEARING BOARD

DEFAULT PROCEEDING

The hearing in this matter was held by videoconference on May 28, 2025, before a Hearing Board Panel consisting of Nicole C. Mueller, Chair, Meridth V. Hammer, and James W. Kiley. Matthew D. Lango appeared on behalf of the Administrator. Respondent was present and represented herself. The Administrator requested that Respondent be suspended for one year and until further order of the Court. Respondent made no specific sanction request but asked that her evidence be considered in mitigation. We agree with the Administrator's request and recommend that Respondent be suspended for one year and until further order of the Court.

Respondent did not file an answer to the Administrator's two-count Complaint, which was filed on February 7, 2025. Thus, in finding misconduct, we have considered the Complaint, a copy of which is attached as Exhibit 1, as well as the Order entered on April 10, 2025, deeming the allegations and charges of the Complaint admitted, a copy of which is attached as Exhibit 2. We have also considered Respondent's testimony, in which she admitted to the charged misconduct and presented evidence in mitigation.

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July 22, 2025

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The allegations deemed admitted establish that, between January and December 2021, Respondent shattered the glass of her sister's front door with a clothing iron and sent over 100 threatening and harassing communications to her sister, her ex-husband, her ex-husband's divorce attorneys, and a police officer, including repeated threats of death and harm, which resulted in Respondent pleading guilty to two counts of violation of an order of protection. Based on these admitted allegations, the Administrator established by clear and convincing evidence that Respondent engaged in criminal activity that reflects adversely on her fitness as a lawyer and engaged in conduct prejudicial to the administration of justice, in violation of Illinois Rules of Professional Conduct 8.4(b) and 8.4(d).

In mitigation, Respondent has no prior discipline in over 18 years of practice. She testified that her misconduct resulted from her abuse of alcohol and that she now maintains her sobriety after undergoing substance use and mental health treatment. However, in the absence of corroborating evidence from a medical provider, there is insufficient evidence that Respondent's conditions were causally connected to her misconduct or that she has received adequate treatment, so we cannot find this to be a mitigating factor.

In aggravation, Respondent knowingly violated the law and engaged in a pattern of misconduct involving over 100 threatening messages and multiple violations of an order of protection over the course of a year. This conduct was intended to harass and harm the victims. Although Respondent expressed regret for her manner of communicating and abuse of alcohol in 2021, she blamed her ex-husband and sister for provoking her and insisted that she will do what she believes is necessary to protect her family members. These facts demonstrate that Respondent fails to fully take responsibility for and understand the wrongfulness and seriousness of her

misconduct. In addition, Respondent did not file an answer or meaningfully participate in the disciplinary process until just weeks before the hearing.

Overall, we find that Respondent's behavior does not inspire confidence that she will conform her conduct to professional standards in the future. In re Houdek, 113 Ill. 2d 323, 326-27, 497 N.E.2d 1169 (1986); see also In re Franz, 2014PR00161, M.R. 028933 (Sept. 22, 2017) (Hearing Bd. at 16-18) (suspension for two years and until further order of the Court for similar misconduct and failure to fully participate in the disciplinary proceeding, despite lack of prior discipline). For this reason, we conclude that Respondent should be required to petition for reinstatement and successfully demonstrate her fitness to practice, pursuant to Supreme Court Rule 767, before resuming work as an attorney. Therefore, we recommend a suspension for one year and until further order of the Court.

Accordingly,

1. On February 20, 2025, Respondent indicated that she would accept service of the Administrator's Complaint by email and was so served that same day. A copy of the Affidavit of Personal Service Pursuant to Commission Rule 214(c) is attached as Exhibit 3.
2. The allegations and charges of the Complaint were deemed admitted in an Order entered on April 10, 2025. A copy of that order is attached as Exhibit 2.
3. In consideration of the Order deeming the allegations and charges of the Complaint admitted, this Panel finds that Respondent committed the charged misconduct.
4. Based on Respondent's serious misconduct, the substantial aggravation and minimal mitigation involved in this matter, and the relevant case law, we recommend that Respondent be suspended for one year and until further order of the Court.

5. The Panel has concluded that this report format will adequately and appropriately communicate its recommendation to the Court.

Respectfully submitted,

Nicole C. Mueller
Meridith V. Hammer
James W. Kiley

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on July 22, 2025.

/s/ Michelle M. Thome
Michelle M. Thome, Clerk of the
Attorney Registration and Disciplinary
Commission of the Supreme Court of Illinois

Exhibit 1

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
Matthew D. Lango

Matthew D. Lango
Counsel for Administrator
One Prudential Plaza
130 E. Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600
Email: mlango@iadc.org
Email: ARDCeService@iadc.org

Exhibit 2

**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

ORDER

A telephonic pre-hearing conference was held in this matter on April 9, 2025, at 10:30 a.m. Participating were Nicole C. Mueller, Chair, and Matthew D. Lango, Counsel for the Administrator. The Clerk of the Commission provided Respondent with the call-in information, and Respondent acknowledged receipt of the call-in information but did not participate. Counsel for the Administrator advised the Chair of the status of the matter. Accordingly,

IT IS ORDERED:

1. The Administrator's Motion to Deem the Allegations of the Complaint Admitted Pursuant to Commission Rule 236 (Motion) is granted. Respondent agreed to accept service of the Complaint by email on February 20, 2025 and was so served that same day. She has not filed an answer or a response to the Motion and has indicated that she has no intention of participating in this matter;

2. All factual allegations and disciplinary charges in the Complaint are deemed admitted, and no further proof is required. At hearing, the parties shall be limited to presenting evidence of aggravating and mitigating factors and arguments regarding the form and amount of discipline to be imposed;

FILED

April 10, 2025

ARDC CLERK

3. The parties shall exchange any exhibits they propose to offer at hearing on or before May 21, 2025;

4. The default hearing in this matter is scheduled for May 28, 2025, at 9:30 a.m., and will be held remotely via Microsoft Teams video conference. The Clerk of the Commission shall provide the parties with the Teams access information; and

5. The Clerk of the Commission shall serve Respondent with a copy of this order via her registered email address and via regular mail at Respondent's registered home and business addresses.

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, certify that the foregoing is a true copy of the order, approved by the Hearing Board Chair, entered in the above entitled cause of record filed in my office on April 10, 2025.

/s/ Michelle M. Thome
Michelle M. Thome,
Clerk of the Attorney Registration and
Disciplinary Commission of the
Supreme Court of Illinois

PROOF OF SERVICE

I, Michelle M. Thome, hereby certify that I served a copy of this Order on the Attorney-Respondent listed at the addresses shown below by email and regular mail by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601 on April 10, 2025, at or before 5:00 p.m. At the same time, a copy of this Order was sent to Counsel for the Administrator by e-mail service.

Asha Vivian Mathai
Attorney-Respondent
6057 N. Lincoln
Unit 302
Chicago, IL 60659-2429

Asha Vivian Mathai
Attorney-Respondent
104 Louie Lane
Unit A
Hampshire, IL 60140-7642

Asha Vivian Mathai
Attorney-Respondent
ashamathai55@gmail.com

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Michelle M. Thome
Michelle M. Thome

Exhibit 3

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
DISCIPLINARY COMMISSION

In the Matter of:)	
)	
Asha Vivian Mathai,)	Commission No. 2025PR00007
)	
Attorney-Respondent,)	
)	
No. 6290150.)	
)	

AFFIDAVIT OF PERSONAL SERVICE
PURSUANT TO COMMISSION RULE 214(c)

I, EDGAR A. LEON (“Affiant”), being duly sworn, hereby state:

1. Affiant is over 18 years of age, possesses firsthand knowledge of the facts presented in this Affidavit and, if called as a witness, Affiant will testify to the truth of the facts as presented in this Affidavit.

2. Affiant is an Investigator for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (“the Commission”) and, as such, is authorized to serve process.

3. On February 20, 2025, Affiant was asked to personally serve Respondent the Complaint, Notice of Complaint and Order, Commission Rules, Filings and Procedures Memorandum, and the Complaint Service Letter.

4. On February 20, 2025, at approximately 8:43 A.M., Affiant contacted Respondent via her email, ashamathai55@gmail.com and inquired if she would agree to accept electronic service of the Complaint, Notice of Complaint and Order, Commission Rules, Filings and Procedures Memorandum, and the Complaint Service Letter. At approximately 8:44 A.M., Respondent agreed to accept electronic service of said documents.

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ARDC Clerk

5. On February 20, 2025, at approximately 8:56 A.M., Affiant emailed the Respondent the Complaint, Notice of Complaint and Order, Commission Rules, Filings and Procedures Memorandum, and the Complaint Service Letter. At approximately 9:12 A.M., Respondent responded to the email acknowledging receipt of the Complaint, Notice of Complaint and Order, Commission Rules, Filings and Procedures Memorandum, and the Complaint Service Letter.

Further Affiant sayeth not.

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Edgar A. Leon

Edgar A. Leon

DATED: February 20, 2025