**REPUBLIC OF TRINIDAD AND TOBAGO**

**In the matter of Christopher Gidla**

**And Vonley Joseph**

**In the matter of the Legal Profession Act, 1986**

**Complaint No.19/09**

**I CHRISTOPHER ROSS GIDLA attorney at Law of 123 Duke Street, Port of Spain in the Island of Trinidad do solemnly and sincerely declare as follows:-**

1. **I am an Attorney at Law**
2. **That I am the Respondent named herein**
3. **That I have read the complainant’s affidavit and In response thereto I state as follows.**
4. **I make no admission of paragraph 1 and 2**
5. **I admit that I was retained by the complainant to file an application on his behalf for possession of a dwelling house on one lot of land situate at # 3 Hill Street, St.James, Port of Spain**
6. **That the matter was listed for the 8th January 2009 before the Honourable Madam Justice Dean Armorer for 11:15 am.**
7. **I called the Complainant and told him of the date and he agreed to the date.**
8. **On the said date, I didn’t see the complainant I asked my Secretary to call the complainant at about 11:00 am and went to the court. That matter was called at approximately 11:05 am. Mr.Roberts and I entered the court Room whereupon the Honourable Judge asked for the Clients. As I did not have any information why he is not there I indicated to the Honourable Judge that I do not have the information and also the matter was called in early. Mr.Roberts also indicated that the matter was called early, since ,his client was outside he came in with the client.**
9. **The Learned Judge asked for my client I informed her he was aware of the date and time of the matter ant that I had no contact from him. The Learned judge then drew to my attention to Part 68 of the Rules and I indicated the while the claim Form did not specifically state Fixed Date claim Form it was in the prescribed format. She also asked me questions in respect of the applicant’s grandmother’s title and basis of the applicant’s occupation, length of time.**
10. **Since I had no instructions as to that nature I indicated that to the learned Judge.**
11. **The Learned Judge then suggested that in all the circumstances that I withdraw the proceedings as my client would not be prejudiced being absent and it would allow me to take care of all house keeping matters while minimizing cost.**
12. **As I thought that would be the best course to take since if the matter is dismissed it would incur costs and also since my client was not present to take his instructions I didn’t have choice but to withdraw the proceedings.**
13. **That by letter of 27th Febraury, 2009 I wrote to the complainant and informed him of the position and that I told him that the fixed date claim form and the affidavit have been drafted and to come and sign it. A copy of the letter is annexed hereto and marked “C.G.2”**
14. **The complainant called me and told me that he would not come to my office and sign it and he wishes to put me before the disciplinary committee. On previous occasions he called me on my cell phone and used insulting language calling me a prick who couldn’t handle his matter properly even though I explained to him that its not my fault.**
15. **On 16th March, 2009 I finally wrote to him explaining the situation that the matter was not res judicata and in no way the final determination of the matter and to maintain good client relationship , I offered to pay for the costs of $2,500 and enclosed a cheque for $5,000 in the letter and registered the letter. Till date the letter was not returned. A copy of the letter is hereto annexed and marked “C.G.3”**
16. **I was informed and verily believe that complainant went to the disputed premises with a bailiff and voluntarily tried to remove the defendant and hence the defendant brought a claim against him for trespasses. I did not advise him to do that and hence it was no fault of mine for him ending up as a defendant.**
17. **In these circumstances I pray that this honourable committee would consider my explanation valid and decide the matter accordingly.**

**I make this Declaration conscientioulsly believing the same to be true and according to the statutory declaration Act and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true I am liable to fine and imprisonment.**

**Declared to at # 123 Duke Street ]**

**Port of Spain this 15th day of ]**

**May, 2009 ]**

**Before me**

**Commissioner of Affidavits.**