

Garth Marden

Garth Marden died suddenly in Vila on 16 February. Mr Justice Finlay delivered the occasional Address at his funeral service held at St James Church.

Garth Marden was born 22 March 1944, the only child of Merle and Ronald Marden. He died on 16 February 1988, leaving his wife Katya and two children, Alex and Sophie.

He filled the next 43 years and 11 months with a life lived to the full. Who of us can't shut his or her eyes and hear his infectious laughter and his very pleasant and mellifluous voice so often associated with a twinkle in his eyes. Each of us responded to his energetic enthusiasms, his open friendliness and to his generosity with his time. He was a most courteous listener who readily gave his time and compassion whenever it was needed.

These qualities inevitably resulted in his having so many affectionate close old friends, many being quite unrelated to the law and many of whom I know are here today.

We grieve with his family. With his mother whom he loved so dearly and who already had the sadness of losing her husband when he was comparatively young. We grieve with his cousin, Gaynor Barden, with whom he, being an only child, shared so much of his growing up. It was most fitting that she read one of the lessons today.

We especially grieve with his lovely wife, Katya, whom he loved so dearly and his children, Alex and Sophie, to whom he was devoted and of whom he was so very proud. It was Sophie who read the first lesson so beautifully.

As we all knew Garth to be a very special person, it is perhaps not surprising that some aspects of his life were a little out of the ordinary. His wife Kitty (by which name so many of you know her - but Garth always called her by her lovely Russian name of Katya) was first taken out by him when he was in the first year law school at Sydney University. He would have taken her out before then but her parents, perhaps wisely, thought her too young. He was admitted to the Bar in February 1967. They married in June of the same year. By his marriage he also acquired an extended family, enjoying very close relationships with Kitty's parents and her brother, Alexander, and his family. When they bought their superb, but impossibly steep waterfront block at Castlecrag, Garth and Kitty cleared it together. Kitty's brother was the architect who designed the house. Her father, an engineer, and Kitty built it whilst Garth helped, particularly in the paying for it. They spent some seven wonderful family years there.

On going to the Bar he first went to Mena House where he started in a readers room. This, I think, he shared with

Toomey - the two of them having been admitted on the same day. As you can imagine with those two, they were never at a loss for conversation! For the last twenty years he's been on the third floor of Wentworth Chambers.

There he was always most generous with his time and his chambers were like a clearing house for so many counsel, young and old. He was a good original and, where necessary, lateral thinker. He could often see a different and more helpful way of approaching a matter.

There were occasions when he over-committed himself. Sometimes he adopted the well-known solution of bringing in a leader in one of the matters. But where he was somewhat unorthodox is that he brought in the leader in the easier matter when costs were no problem and retained the more difficult matter to look after himself! He was, as I have said, very generous with his time. When it was required he would be wonderfully patient, sensitive and unfailingly courteous. He became a very polished advocate with a wonderful sense of timing and a felicitous use of his natural sense of humour. His practice was extensive. They sought his services from Bega and Cooma in the south to Kempsey and Coffs Harbour in the north and from Canberra on one side to Vila in the Pacific on the other.

It was on returning from the High Court in Canberra, towards the end of 1986, that the first shadow of his illness fell across his life. He elected vacation times to undergo surgery. He spoke very little of it and kept working with an indomitable spirit. For example, his appearances last year included a 14 week conspiracy trial for one accused. John Kiely was for another. He enjoyed it hugely and there were triumphant acquittals at the end. Only last October he appeared in three criminal trials in a busy Bega circuit. He was on the eve of a large Supreme Court case in Vila when he collapsed and died there on the following day, last Tuesday 16 February.

One thing was very apparent to those of us who came across Garth through the law and no doubt it was even more apparent to those friends who knew him from other fields. This was that whilst embracing the good things of life with great energy - be it sailing, fast cars or skiing - and whilst at one stage somehow fitting in three years as an Alderman on the Lane Cove Council, there was never the slightest doubt that his first priority was his wife and children. He truly dedicated himself to his family and he had great joy from the reciprocated affection and love he shared with his wife and with Alex and Sophie. He was very proud of Kitty's achievement in completing a degree in Landscape Architecture at Sydney University last year; just as he took great pride in the achievements of his children.

Garth Marden - you live on in the hearts of so many of us. So be it. □