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In Memorium: Professor David J. Maleski

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DEDICATION

L. Lynn Hogue†

If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music he hears, however measured or far away.

--Henry David Thoreau

How can one begin to define the legacy of Professor David J. Maleski whose untimely death on February 18, 1994 took away one of Georgia State University (GSU) College of Law's most gifted teachers? David was a part of the College of Law since the day it opened in the fall of 1982. David had witnessed much of the College's progress in that time and contributed to it as the College moved from a tiny initial faculty of only eight through provisional to final accreditation by the American Bar Association until the College was poised to seek membership in the Association of American Law Schools, a final step in the College's institutional maturation process. David was actively engaged in the life of the law school until his death.

David was first, and foremost, a teacher—honored both by his colleagues and by his students. He received the annual GSU Alumni Association Distinguished Professor award in 1986 and was honored as Teacher of the Year in the GSU College of Law by the GSU Student Bar Association 1990-1991. David was a familiar face to virtually all of the students in the first several years of the school's operation because he taught both the day and evening sections of torts. When he was involved in faculty recruitment, he scrutinized candidates for the magical combination of traits and talents that would mark someone for success as a classroom teacher. Even in our early years when resources were scarce, David championed and guided teacher

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† Professor of Law, Georgia State University College of Law. A.B., William Jewell College, 1966; M.A., University of Tennessee, 1968; Ph.D., 1972; J.D., Duke University, 1974. Professor Hogue is a member of the Bars of Arkansas, Georgia, and North Carolina. Professor Maleski and Professor Hogue were colleagues since the inception of the GSU College of Law in 1982.—ED.

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development programs to improve teaching skills, programs that brought in teachers whom he knew to be exceptional models, who had the resources to mentor and cultivate the new faculty who were joining the College—to make them more like the teachers David passionately wanted them to be.

David's early work in establishing the *Georgia State University Law Review* deserves special mention. In starting the *GSU Law Review* from scratch, the College of Law faced several problems. Perhaps the greatest challenge was in developing a student culture of rigorous devotion to quality and a willingness to strive and engage in serious self-evaluation and self-criticism where none had existed before. For a law review to work, the students would have to learn how to mentor and guide one another.

David agreed to become the first faculty advisor to the *GSU Law Review*. In that role, he, in reality, served as its first editor-in-chief so the members of the first editorial board would have a law review experience upon which to draw as they, in turn, led others in the law review process. The success and respect which the *GSU Law Review* has had even during the short time of its existence is directly traceable to the foundation which David laid. Likewise, the *Peach Sheets*, a unique feature of the *GSU Law Review*, which track and analyze significant pieces of Georgia legislation each session, was David's invention even down to the name and the unique peach-colored paper on which they are printed. It was an inspired idea which quickly helped the *GSU Law Review* carve out a niche in a field dominated by the three law journals of the other established Georgia law schools.

David was always eagerly pursuing new vistas. He earned a B.S.C.E. from the University of Massachusetts, Amherst in 1969 and a J.D. from Georgetown University in 1972 where he was an editor of the *Georgetown Law Journal* from 1971 to 1972. Following law school, he was a law clerk to Justice Francis J. Quirico of the Massachusetts Supreme Judicial Court. After practicing law in Springfield, Massachusetts, he entered a career in legal education at Western New England College of Law as Assistant Dean and Assistant Professor of Law from 1975 to 1977 and subsequently at McGeorge School of Law from 1977 to 1982 before joining the faculty at GSU in 1982.

Davids' two major writing projects at GSU—his book on *Proof of Causation in Private Tort Actions in Georgia* (1986) and his

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book on *Georgia Products Liability* (1993)—were both outgrowths of his teaching. Not only are they both serious scholarly treatises, they are also designed to be useful to students and practitioners.

While a professor at GSU, David developed an interest in sociobiology. He wrote a provocative article on the subject published in the *Natural Resources Journal*[1] and later returned to school to further pursue his interest, ultimately earning an M.S. in technology and science policy from the Georgia Institute of Technology with a thesis on *Genetic Risk: Tort Law and the Inherited Predisposition for Dangerous Behavior* (1989).

David's legacy is doubtless best measured in the lives of all those students whom he touched over the nineteen years he taught law. Their professional lives were shaped by a person of singular passion for the logic and rigor of the law.

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1. David J. Maleski, *Sociobiology and the California Public Trust Doctrine: The New Synthesis Applied,* 25 NAT. RESOURCES J. 429 (1985); *see* Rudolph J. Peritz, *A Counter-History of Antitrust Law,* 1990 DUKE L.J. 263, 269 n.16; R. George Wright, *The Interests of Posterity in the Constitutional Scheme,* 59 U. CIN. L. REV. 113, 143 n.186 (1990); Susan D. Baer, Comment, *The Public Trust Doctrine—A Tool to Make Federal Administrative Agencies Increase Protection of Public Land and its Resources,* 15 B.C. ENVTL. AFF. L. REV. 385, 427 n.327 (1988).

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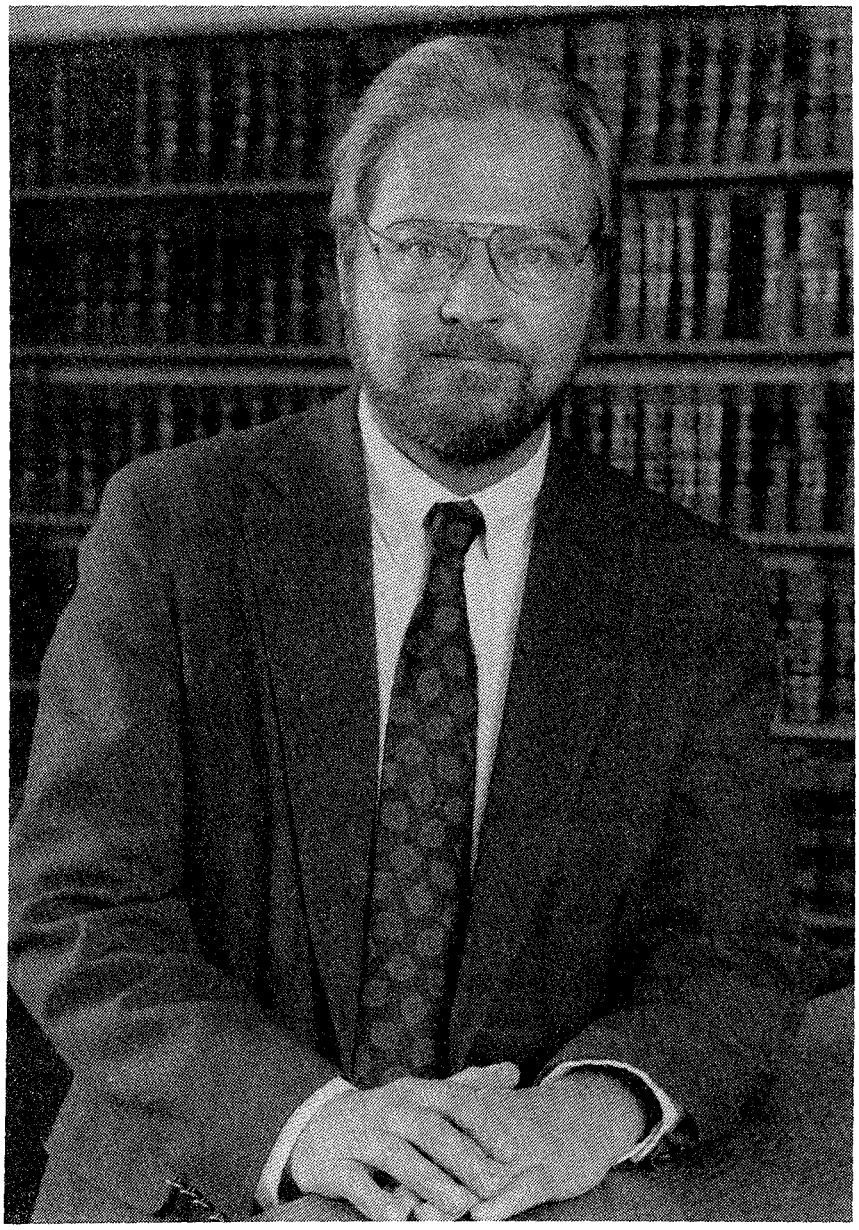
IN MEMORIAM



PROFESSOR DAVID J. MALESKI

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