

TANYA D. MARSH

marshtd@wfu.edu – (317) 966-3257

ACADEMIC EMPLOYMENT

Wake Forest University School of Law	2010 – present
Winston-Salem, North Carolina	
<i>Senior Associate Dean for Academic Affairs</i>	5/1/2022 – present
<i>Professor of Law</i>	7/1/2015 – present
<i>Associate Professor of Law</i>	7/1/2013 – 6/30/2015
<i>Assistant Professor of Law</i>	7/1/2010 – 6/30/2013

Courses Taught:

- Property (4 cr.)
- Funeral and Cemetery Law (3 cr.)
- Real Estate Transactions (3 cr.)
- Professional Development (1 cr.)
- Decedents' Estates & Trusts (3 cr.)
- Property II (3 cr.)
- Law, Business, and the Economy (2 cr.)
- Comparative Property Law (2 cr.)

Teaching Awards:

- Joseph Branch Excellence in Teaching Award (2014)
- Student Bar Association Excellence in Teaching Award (2014)

Institutional Service:

- Member, SIS Steering Committee (2023-present)
- Member, University Priorities Committee (2023-present)
- Member, ACC Academic Leaders Network (2023-2024)

Wake Forest Law School Study Abroad Program July 2012 & July 2015
University of Vienna, Vienna, Austria

Duke University School of Law Spring 2015
Durham, North Carolina
Visiting Professor

Course: Legal and Regulatory Responses to the Financial Crisis (co-taught with Ann Lipton)

Indiana University Robert H. McKinney School of Law 2006 – 2010, 2022 – 2023
Indianapolis, Indiana
Adjunct Professor of Law
Courses: Trusts & Estates (Spring 2023); Property (Fall 2022); Legal Analysis, Research and Communication III (2006 – 2010)

SCHOLARSHIP – FUNERAL AND CEMETERY LAW

Books

- RESTATEMENT OF THE LAW (THIRD) OF TORTS: CONCLUDING PROVISIONS. Associate Reporter responsible for drafting sections related to interference with human remains (approved at 2023 ALI Annual Meeting)
- REGULATION OF THE FUNERAL INDUSTRY: A LEGAL RESEARCH GUIDE (William S. Hein & Company, 2019)
- DISPOSITION OF HUMAN REMAINS: A LEGAL RESEARCH GUIDE (William S. Hein & Company, 2016)
- CEMETERY LAW: THE COMMON LAW OF BURYING GROUNDS IN THE UNITED STATES (God's Acre Publishing, 2015). Co-authored with Daniel Gibson.
- THE LAW OF HUMAN REMAINS (Lawyers & Judges Publishing Company, Inc., 2015) (the first treatise on the subject since Percival Jackson published *The Law of Cadavers* in 1950).

Articles and Chapters

- *Is it Legal to Sell Human Remains?*, THE CONVERSATION (June 30, 2023)
- *Corpse Disposition and the Law*, in THE FUTURE OF THE CORPSE: OUR CHANGING PLACES AND PERCEPTIONS OF THE DEAD AND MOURNING, ed. Christina Staudt and Karla Rothstein (ABC-CLIO) (October 2021)
- *You Can't Always Get What You Want: Inconsistent State Statutes Frustrate Decedent Control Over Funeral Planning*, 55 REAL PROP. TR. & EST. L.J. 147 (2020).
- *The Death Care Revolution*, 8 WAKE FOREST J. LAW & POL'Y 1 (2018)
- *Regulated to Death: Occupational Licensing and the Demise of the U.S. Funeral Services Industry*, 8 WAKE FOREST J. LAW & POL'Y 5 (2018)
- *Jessica Mitford Was Wrong*, 8 WAKE FOREST J. LAW & POL'Y 111 (2018)
- *A Short History of Corpse Disposition in Manhattan*, SSRN Working Papers Series (<https://ssrn.com/abstract=3044516>) (2017)
- *A Brief History of the American Cemetery*, in CHANGING LANDSCAPES: EXPLORING THE GROWTH OF ETHICAL, COMPASSIONATE, AND ENVIRONMENTALLY SUSTAINABLE GREEN FUNERAL SERVICE, ed. Lee Webster (2017)
- *A New Lease on Death (with Sample Provisions)*, 32 PRAC. REAL EST. LAW. 31 (November 2016)
- *Who Controls the Dead? The Right to Make Funeral and Disposition Decisions*, NATURAL TRANSITIONS (Summer 2016)
- *Corpse Disposition and the Law*, Columbia University Seminar on Death Working Paper (2016)
- *When Death and Dirt Collide: Legal & Property Interests in Burial Places*, 30 PROB. & PROP. 59 (March/April 2016). Winner of ABA Section of Real Property, Trust and Estate Law's *Probate & Property* magazine's 2016 Excellence in Writing Award for Best Overall Article in Real Property.
- *A New Lease on Death*, 49 REAL PROP. TR. & EST. L.J. 421 (2015)
- *Ebola, Embalming, and The Dead: Controlling the Spread of Infectious Disease*, 2 WAKE FOREST L. REV. COMMON LAW 101 (2014)
- *Rethinking the Law of the Dead*, 48 WAKE FOREST L. REV. 1327 (2013)

Other

- Creator, DEATH, ET SEQ. (www.deathetseq.com) (2018 - present) (A podcast discussing the relationship between the living and the dead, approximately 1,500 to 4,000 downloads per episode)

- Founder and Editor, THE FUNERAL & CEMETERY LAW BLOG (www.deathcarestudies.com) (2013 - 2019)

SCHOLARSHIP – PROPERTY LAW

Books

- COMMERCIAL LEASING: A TRANSACTIONAL PRIMER (co-authored with Daniel Bogart and Celeste Hammond) (Carolina Academic Press, 3rd edition, 2020)
- EARLY LAWYERING LITERACY: PROPERTY LAW (co-authored with Heather Way and Lucille Wood of University of Texas at Austin) (West Academic, 2016)

Articles

- *A Fresh Look at Restrictive Covenants in Retail Leasing (with Sample Provisions)*, 32 PRAC. REAL EST. LAW. 40 (March 2016)
- *A Fresh Look at Restrictive Covenants in Retail Leasing*, The ACREL PAPERS (Fall 2015)
- *Transforming Lease Covenants into Real Covenants: Lessons from Winn-Dixie v. Dolgencorp*, 29 PROB. & PROP. 34 (Sep./Oct. 2015). Co-authored with Stefan Szwarc
- *Because of Winn-Dixie: The Common Law of Exclusive Use Covenants*, 69 U. MIAMI L. REV. 935 (2015).
- *Too Big to Fail versus Too Small to Notice: Addressing the Commercial Real Estate Debt Crisis*, 63 ALA. L. REV. 321 (2012). Selected for the 2012 C-LEAF Junior Faculty Business and Financial Law Workshop.
- *Foreclosures and the Failure of the American Land Title Recording System*, 111 COLUM. L. REV. SIDEBAR 19 (2011)
- *Sometimes Blackacre IS a Widget: Rethinking Commercial Real Estate Contract Remedies* 88 NEB. L. REV. 635 (2010)

SCHOLARSHIP – BANKING REGULATION & COMMUNITY BANKS

- *Federal Policy, Market Distortions, and the Challenges to Community Banks*. Selected for the 2014 Community Banking in the 21st Century Conference, hosted by the Federal Reserve System and the Conference of State Bank Supervisors.
- *Reforming the Regulation of Community Banks After Dodd-Frank*, 90 IND. L.J. 180 (2015). Selected for the 2013 Community Banking in the 21st Century Research and Policy Conference, hosted by the Federal Reserve System and the Conference of State Bank Supervisors.
- *The Impact of Dodd-Frank on Community Banks*, American Enterprise Institute white paper (2013). Co-authored with Joseph Norman.

SCHOLARSHIP – OTHER

- *A Dubious Distinction: Rethinking Tax Treatment of Private Foundations and Public Charities*, 22 VA. TAX REV. 137 (Summer 2002), reprinted in part in Elizabeth Schmidt, *Nonprofit Law* (Aspen 2011)

PROFESSIONAL ASSOCIATIONS

- The American Law Institute (ALI)
 - Elected member (2015 – present)
 - RESTATEMENT OF THE LAW (FOURTH) PROPERTY Associate Reporter (2015 – 2020); Advisor (2020 – present)
 - RESTATEMENT OF THE LAW (THIRD) TORTS: CONCLUDING PROVISIONS Associate Reporter (2019 – 2023)
- American College of Real Estate Lawyers (ACREL)
 - Fellow (2014 – present)
 - Member, Programs Committee (2015 – 2017)
- American Bar Association’s Real Property, Trust & Estate Law Section (ABA-RPTE)
 - Chair, Legal Education and Uniform Laws Group (2017 – 2020); Chair, Legal Education Committee (2013 – 2017); Vice Chair, Legal Education Committee (2012 – 2013)
 - Assistant Secretary, Real Property (2017 – 2020)
 - Member, Task Force on Property Law School Curriculum (2008 - 2010)
- Association of American Law Schools (AALS)
 - Member, Program Committee (2014 – 2015)
 - Executive Committee, Section on Real Estate Transactions (2011 – 2018)

SELECTED PRESENTATIONS

- *Emerging Trends Panel*, 2023 CANA Cremation Symposium, Las Vegas, Nevada (February 10, 2023)
- *Viking Burials and Funeral Planning*, IndyBar Estate Plannign and Administration Section CLE, Indianapolis, Indiana (Nov. 28, 2023)
- *Indiana Real Property Year in Review*, 2023 Indiana Law Survey, Indianapolis, Indiana (September 28, 2023)
- *The Impact of Changing Consumer Preferences in Death Care*, North Carolina Funeral Consumers Alliance Annual Meeting, Elon, North Carolina (October 15, 2022)
- *Indiana Real Property Year in Review*, 2022 Indiana Law Survey, Indianapolis, Indiana (September 29, 2022)
- *The Challenges of Regulating Emerging Death Care Technologies: Green Burial, Alkaline Hydrolysis, & Natural Organic Reduction*, Annual Meeting of National Association of Death Care Regulators, New York, New York (August 2, 2022)
- *Cemetery Law*, 20th Kavod v’Nichum Chevrah Kadisha and Jewish Cemetery Conference (June 10, 2022)
- *Cemetery Law and Eminent Domain*, International Right of Way Association Chapter 4 (February 9, 2022)
- *The Legal Landscape of Green Burial in the United States*, Green Burial Council Annual Meeting, Chaska, Minnesota (October 14, 2020)
- *Unearthing the Law of Decedent Control of Human Remains*, Wake Forest Law CLE: Sports, Life and Death, Winston-Salem, North Carolina (February 21, 2020)
- *Planning for Funerals and Disposition in North Carolina*, Piedmont Estate Planning Council, Winston-Salem, North Carolina (November 12, 2019)
- *Lingering Liability: Inside the Cemetery*, National Funeral Directors Association 2019 International Convention & Expo, Chicago, Illinois (October 2019)

- *Who Owns Burial Spaces?*, 2019 Georgia Municipal Cemeteries Association Conference, Savannah, Georgia (October 16, 2019)
- *Legal and Cultural Trends in Green Funerals*, Cremation Association of North American Green Funeral Conference, Albuquerque, New Mexico (October 3, 2019)
- *Cemeteries and the Common Law*, 17th Kravotil Conference on Real Estate and Practice, UIC John Marshall Law School, Chicago, Illinois (October 1, 2019)
- *Lingering Liability: Inside the Cemetery*, National Funeral Directors Association 2018 International Convention & Expo, Salt Lake City, Utah (October 17, 2018)
- *The Development of New York Cemetery Law*, 90th Annual Fall Conference, New York State Association of Cemeteries (NYSAC), Bolton Landing, New York (October 3, 2018)
- *It's a World of Tears and a World of Fears: Crisis Management of Estates*, Spring Symposium sponsored by the American Bar Association (ABA) Real Property and Trust and Estate Law (RPTE) Section, Orlando, Florida (May 10, 2018)
- *Nothing is Certain But Death and Taxes – Well, Maybe Just Death*, American College of Trust and Estate Counsel, 2018 Annual Meeting, San Antonio, Texas (March 11, 2018)
- *Regulated to Death: Reimagining the Funeral Services Market*, Columbia University Seminar on Death, New York, New York (December 13, 2017)
- *Cemetery Law 101, Preserving Community Cultural Landscapes: Cemetery Management, Planning & Care Workshop*, Wake Forest, North Carolina (October 11, 2017)
- *Everybody can be an Advocate: Here's How*, National Home Funeral Alliance (NHFA) Biannual Meeting, Reistertown, Maryland (September 22, 2017)
- *Current Legal Trends in Death Care*, National Association of Death Care Regulators Annual Conference, Portland, Oregon (September 12, 2017)
- *Regulated to Death*, Death Salon, Seattle, Washington (September 8-10, 2017)
- *The Development and Structure of American Cremation Law*, Cremation Association of North America (CANA) Annual Meeting, New York City, New York (August 17, 2017)
- *Property and Legal Interests in Burial Places*, International Cemetery, Cremation and Funeral Association (ICCFA) Annual Convention, Nashville, Tennessee (April 5, 2017)
- *Regulated to Death, Disrupting the Death Care Paradigm: Wake Forest Journal of Law & Policy Symposium*, Winston-Salem, North Carolina (February 24, 2017)
- *The Invention of American Cemetery Law*, Annual Fall Conference, New York State Association of Cemeteries (NYSAC), Hershey, Pennsylvania (September 20, 2016)
- *Recent Developments in Cemetery Law*, Annual Fall Conference, NYSAC, Hershey, Pennsylvania (September 20, 2016)
- *Corpse Disposition and the Law*, Designing for Life and Death: Sustainable Disposition and Spaces of Remembrance in the 21st Century Metropolis, Columbia University Seminar on Death Colloquium, New York, New York (April 1, 2016)
- *Federal Policy, Market Distortions, and the Challenges to Community Banks*, Community Banking in the 21st Century Conference, The Federal Reserve and the Conference of State Bank Supervisors, St. Louis, Missouri (September 23, 2014)
- *Reforming the Regulation of Community Banks After Dodd-Frank*, Community Banking in the 21st Century Conference, The Federal Reserve and the Conference of State Bank Supervisors, St. Louis, Missouri (October 3, 2013)
- *The Impact of Dodd Frank on Community Banks*, testimony before the House Oversight and Government Reform Subcommittee on Economic Growth, Job Creation, and Regulatory Affairs hearing on the Regulatory Burdens: The Impact of Dodd-Frank on Community Banking, Washington, D.C. (July 18, 2013)

- *The Impact of Dodd Frank on Community Banks*, Briefing to Congressional Staff organized by American Enterprise Institute, Washington, D.C. (May 7, 2013)
- *Too Big to Fail versus Too Small to Notice: Addressing the Commercial Real Estate Debt Crisis*, C-LEAF Junior Faculty Business and Financial Law Workshop, George Washington University, Washington, DC (February 10 - 11, 2012)
- *Dead Giveaway: Creating a Uniform Limited Property Interest in Human Remains*, Joint Editorial Board for Uniform Trust and Estate Acts, New Orleans, LA (December 2 - 4, 2011)

SELECTED INTERVIEWS AND MEDIA REFERENCES TO SCHOLARSHIP

- Brenna Ehrlich, *Their bodies were donated to Harvard. Then they went missing*, Rolling Stone (Dec. 4, 2023)
- Sarah Kuta, *Why was a human skull on sale at a Florida thrift shop*, Smithsonian magazine (Nov. 21, 2023)
- Lola Fadulu, *Human skull, on sale for \$4,000, draws attention to Florida store*, The New York Times (Nov. 7, 2023)
- Janet Nguyen, *Who pays to maintain old graves at a cemetery?*, NPR Marketplace (Oct. 27, 2023)
- Jess Thomson, *How a Colorado funeral parlor become home to 189 decaying bodies*, Newsweek (Oct. 20, 2023)
- Zachary Small, *Facing scrutiny, a museum that holds 12,000 human remains changes course*, The New York Times (Oct. 15, 2023)
- Dylan Lovan, *Arrests have been made in a human remains trade tied to Harvard Medical School. Here's what to know*, Associated Press (July 16, 2023)
- Caitlin Doughty, *If you want to give something back to nature, give your body*, The New York Times (Dec. 5, 2022)
- Rachel Monroe, *The Bodies in the Cave*, The New Yorker (October 10, 2022)
- Claire Woodcock, *People Are Preserving Dead Relatives' Tattoos and Turning Them Into Art*, Vice (June 29, 2022)
- *What's a Natural Burial and Is It Right for You?*, Katie Couric Media (March 3, 2022)
- *Cemetery Law and Eminent Domain*, presentation to International Rights of Way Association Monthly Meeting (February 9, 2022)
- *Is Composting the Future of Death?*, The Takeaway WNYC (January 5, 2022)
- Guest on *Infrastructure Junkies* podcast (November 9, 2021)
- *Human Skull Once Used in "Teaching" Found in High School*, Newsweek (October 25, 2021)
- *TikToker selling human bones – including fetus skulls – sparks ethical debate*, The Independent (UK) (October 18, 2021)
- *TikTok user sells human bones; ignites ethical debate online*, ABC News (October 14, 2021)
- *To be a field of poppies: the elegant science of turning cadavers into compost*, Harper's Magazine (September 14, 2021)
- *Someone's Selling Human Bones on TikTok?*, Slate's "ICYMI" podcast (August 18, 2021)
- *Inside the FEMA program that spent \$1 billion on COVID-19 funerals*, Fortune magazine (August 14, 2021)
- *How COVID has transformed the death care industry for 'last responders'*, Fortune magazine (August 7, 2021)
- *Understanding Pennsylvania's Proposed Bill on Handling Fetal Remains*, FactCheck.org (June 4, 2021)
- Guest on *Undertaking: the Podcast* (February 25, 2021)
- *The High Cost of Funerals During the COVID-19 Pandemic*, The Takeaway WNYC (February 1, 2021)
- Jason Murdock, *Facebook Investigates Sales of Human Skulls in Private Groups*, Newsweek (July 3, 2020)

- Maggie Jones, *How Do You Maintain Dignity for the Dead in a Pandemic*, New York Times Magazine (May 14, 2020)
- Adina Solomon, *More States Legalize Dissolving Bodies in Water*, U.S. News (March 12, 2020)
- Maggie Jones, *The Movement to Bring Death Closer*, New York Times Magazine (December 19, 2019)
- Alex Brown, *Eco-friendly cemeteries? More people preferring 'green' over standard burials*, The Washington Post (November 30, 2019)
- Josie Taris & Anita Rao, *Dis-Embodied: The Legal Challenges of Our Death-Denying Culture*, WUNC 91.5 (October 31, 2019)
- Elena Sheppard, *Funerals – and death – are changing as Americans try to control what happens when they die*, NBC News (August 20, 2019)
- Caitlin Doughty, *You Can't Keep Your Parents Skulls*, The Atlantic (September 4, 2019)
- Jessica Leigh Hester, *The Mountaintop Cemeteries Surrounded by Coal Mines*, Atlas Obscura (October 30, 2018)
- Beckett Mufson, *These Popular Instagram Accounts Are Selling Human Remains*, Vice (July 26, 2018)
- *The History of American Cemeteries with Tanya Marsh*, The Road to Now podcast (March 23, 2018)
- Christine Colby, *Want to Plan for Your Death and Funeral? Here's How*, The New York Times (February 20, 2018)
- Cassie Owens, *A party with death: how one local group is organizing for the inevitable*, Philadelphia Inquirer (February 6, 2018)
- Kristin Hugo, *Can you sell your body when you die? This man wants to try*, Newsweek (February 5, 2018)
- Lindsay Marchello, *Is the funeral business a dying industry*, Carolina Journal (October 31, 2017)
- *The History of American Cemeteries*, The Road to Now podcast (October 23, 2017)
- Sarah Wojcik, *Whitehall burial company shifts gears amid rise in cremation*, The Morning Call (June 19, 2017)
- Alexandra Zavis, *The latest battlefield in the abortion wars: Some states want to require burial or cremation for fetuses*, Los Angeles Times (January 23, 2017)
- *What to Do with Your Amputated Leg*, Scientific American (January 17, 2017)
- Samantha Schmidt, *After months of controversy, Texas will require aborted fetuses to be cremated or buried*, The Washington Post (November 30, 2016)
- *Seattle could get an Urban Death Project human composter in just 7 years*, The Seattle Times (October 28, 2016)
- Rebecca Grant, *The Latest Anti-Abortion Trend? Mandatory Funerals for Fetuses*, The Nation (October 11, 2016)
- Lisa Wangsness, *When a final resting place isn't so final*, The Boston Globe (October 3, 2016)
- Conor Gearin, *Hundreds of mystery human skulls sold on eBay for up to \$5500*, New Scientist (July 12, 2016)
- Emma Green, *Indiana Tried to Raise Ethical Challenges to Abortion, but Will Probably Fail*, The Atlantic (July 1, 2016)
- Emma Green, *State-Mandated Mourning for Aborted Fetuses*, The Atlantic (May 14, 2016)
- Jacob Goldstein, *You Asked for It (The Business of Cemeteries)*, Planet Money (NPR) (Jan. 27, 2016)
- Jonathan Goddard, *What Should be Done with the Remains of Miscarried Fetuses?*, Vice (September 12, 2015)
- Jessica Fecteau, *Urban Death Project Founder Makes Case for Composing Human Bodies*, People Magazine (June 1, 2015)
- Rodrique Ngow and Steve LeBlanc, *Still no final rest for Hub bomb suspect*, Time Magazine (May 10, 2013)
- Jess Bidgood, *Bombing Suspect's Body Interred in Undisclosed Location*, The New York Times (May 10, 2013)

EXPERT TESTIMONY AND AMICUS BRIEFS

- *Rose Mary Knick v. Township of Scott*, Supreme Court of the United States, No. 17-647 (brief as amicus curiae with Ryan M. Seidemann of the Office of the Louisiana Attorney General, providing historical context on the common law of access to cemeteries) (July 2018)
- *In Re: The Reinterment of the Remains of Kyril Faenov*, Superior Court, King County, Washington, No. 14-2-17804-2 SEA (providing historical context on the law of disinterment) (November 2014)

PROFESSIONAL LICENSES

Attorney, State of Indiana	2001 – present
Funeral Director, State of California	2015 – 2018

EDUCATION

Harvard Law School J.D., <i>cum laude</i>	1997 – 2000
Indiana University – Lilly Family School of Philanthropy Jane Addams Fellow	1996 – 1997
Indiana University – Bloomington B.A., history and political science	1990 – 1994

PROFESSIONAL EXPERIENCE

McNeely Law, LLP Indianapolis, Indiana <i>Partner, Chair of Death Care Services Group</i>	2016 – present
Frost Brown Todd LLC Indianapolis, Indiana <i>Senior Counsel, Real Estate Section</i>	2008 – 2010
Kite Realty Group Trust Indianapolis, Indiana <i>Vice President of Legal</i>	2003 – 2008
Ice Miller LLP Indianapolis, Indiana <i>Associate, Real Estate Section</i>	2001 – 2003
Supreme Court of Indiana Indianapolis, Indiana <i>Clerk to Justice Theodore R. Boehm</i>	2000 – 2001
Office of Governor Evan Bayh Indianapolis, Indiana <i>Assistant Director of Planning and Communication</i>	1994 – 1997