

TANYA D. MARSH

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ACADEMIC EMPLOYMENT

Wake Forest University School of Law Winston-Salem, North Carolina	2010 – present
<i>Professor of Law</i>	2015 – present
<i>Associate Professor of Law</i>	2013 – 2015
<i>Assistant Professor of Law</i>	2010 – 2013

Courses Taught:

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

Teaching Awards:

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

Wake Forest Law School Study Abroad Program Vienna, Austria	July 2012 & July 2015
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Duke University School of Law Durham, North Carolina <i>Visiting Professor, Legal and Regulatory Responses to the Financial Crisis</i>	Spring 2015
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EDUCATION

Harvard Law School J.D., <i>cum laude</i> . Entertainment Editor, Harvard Law Record; Harvard Women's Law Journal; HLS Student Community Service Award; Student Representative, Strategic Planning Connections to Practice Committee; Volunteer, Prison Legal Assistance Project.	1997 - 2000
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Indiana University – Lilly Family School of Philanthropy Jane Addams Fellow	1996 - 1997
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Indiana University B.A., history and political science. Harry S. Truman Scholar; Wendell Wilkie Award; Arthur R. Metz Award.	1990 - 1994
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PROFESSIONAL LICENSES

- Attorney, State of Indiana, 2001 - present
- Funeral Director, State of California, 2015 - present

SCHOLARSHIP – FUNERAL AND CEMETERY LAW

Books

- THE LAW OF HUMAN REMAINS (Lawyers & Judges Publishing Company, Inc., 2015).
- CEMETERY LAW: THE COMMON LAW OF BURYING GROUNDS IN THE UNITED STATES (God's Acre Publishing, 2015). Co-authored with Daniel Gibson.
- DISPOSITION OF HUMAN REMAINS: A LEGAL RESEARCH GUIDE (William S. Hein & Company, 2016).

Articles

- *Corpse Disposition and the Law*, Columbia University Seminar on Death Working Paper (2016).
- *A Short History of Corpse Disposition in Manhattan*, 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).
- *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).

SCHOLARSHIP – PROPERTY & COMMERCIAL REAL ESTATE

- *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. Dolgenercorp*, 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

- *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).

SCHOLARSHIP IN PROGRESS

Articles

- *A New Lease on Death (with Sample Provisions)*, 32 PRAC. REAL EST. LAW. ____ (September 2016).
- *Regulated to Death: The Funeral Industry and the Trap of Protectionism*, Mercatus Center at George Mason University Working Paper Series (2016).
- *The Invention of American Cemetery Law* (describing the creation of the common law doctrine in the United States with respect to burial places).
- *Asserting the Rights of the Dead* (proposing a model statute to protect the decedent's common law right to control the disposition of his or her corpse).

Books

- RESTATEMENT OF THE LAW (FOURTH), PROPERTY. One of seven Associate Reporters on the first comprehensive Restatement of Property. Primarily responsible for *Volume 5: Title & Transfer*.
- EARLY LAWYERING LITERACY: PROPERTY LAW (co-authored with Heather Way and Lucille Wood of University of Texas at Austin) (2016)
- GRAVE NEW WORLD: READINGS IN AMERICAN FUNERAL AND CEMETERY LAW (editor and primary author of a collection of essays on assorted topics) (William S. Hein & Company, 2016)
- REGULATION OF THE FUNERAL INDUSTRY: A LEGAL RESEARCH GUIDE (William S. Hein & Company, 2016)

OTHER RECENT PUBLICATIONS

The Huffington Post

- *Consumers Stand to Lose in Battle Between Pennsylvania Funeral Directors and Cemeteries* (March __, 2016)
- *Arizona Pretends to Reduce but Instead Significantly Raises Barriers to Entry for Cremationists* (February 29, 2016)
- *Home Funerals, Rent-Seeking, and Religious Liberty* (February 21, 2016)
- *"Our Baby Boy:" Remembering the Dead of Antietam* (October 27, 2015)
- *A Prime-Time Network TV Show About ... Necrophilia?* (October 8, 2015)
- *A Grave Injustice to Religious and Economic Liberty in New Jersey* (Aug. 29, 2015)
- *Greening the American Way of Death* (April 20, 2015).
- *Casket Retailer's Expansion into Malls Challenges Funeral Industry* (December 17, 2013)
- *Community Banks are Failing; Pawnshops are Growing* (August 25, 2013)
- *Preserving Community Banks Should Be Bi-Partisan Priority* (July 16, 2013)
- *Tsarnaev Burial Saga Highlights Fundamental Flaw in the Law of Human Remains* (May 13, 2013)
- *Burying Mass Murderers: The Problem of Tamerlan Tsarnaev* (May 5, 2013)
- *Rethinking Laws Permitting the Sales of Human Remains* (August 13, 2012)
- *One More Casualty of the Foreclosure Crisis: Property Tax Revenues* (March 22, 2011)
- *The Cost of Surrendering the 30-Year Fixed Rate Mortgage Loan* (March 9, 2011)
- *A Government-Mandated Foreclosure Moratorium is a Popular (and Bad) Idea* (October 27, 2010)

Other

- *Redefining the American Dream*, JOTWELL (forthcoming 2016).
- *Treat Community Banks Differently: They're essential American institutions, and Dodd-Frank is harming them*, National Review Online (May 14, 2013)
- *Understanding the Commercial Real Estate Debt Crisis*, 1 HARV. BUS. L. REV. ONLINE 33 (2011)

PROFESSIONAL ASSOCIATIONS

- The American Law Institute (ALI)
 - Elected member (2015 - present)
 - Associate Reporter, RESTATEMENT OF THE LAW (FOURTH) PROPERTY (2015 - present)
- American College of Real Estate Lawyers (ACREL)
 - Fellow (2014 - present)
 - Member, Programs Committee (2015 - present)
- American Bar Association's Real Property, Trust & Estate Law Section (ABA-RPTE)
 - Vice Chair, Standing Committee on Community Outreach (2014 - present)
 - Member, Standing Committee on Continuing Legal Education (2013 - present)
 - Chair, Legal Education Committee (2013 - present); Vice Chair, Legal Education Committee (2012 - 2013)
 - Member, Nominations Committee (2014 - 2015)
 - Vice Chair, Property, Casualty and Other Non-Title Insurance Committee (2008 - 2012)
 - Member, Task Force on Property Law School Curriculum (2008 - 2010)
 - Fellow (2006-2008)
- Association of American Law Schools (AALS)
 - Member, Program Committee (2014 - 2015)
 - Executive Committee, Section on Real Estate Transactions (2011 - present)
- Southeastern Association of Law Schools (SEALS), Member, Moderator Committee (2011 - 2015)
- American Bar Foundation, Fellow (2009 - present)

EDITORIAL POSITIONS

- Associate Journal Editor for Real Property, REAL PROPERTY TRUST AND ESTATE LAW JOURNAL (2015 - present)
- Co-Editor, Property Law Section, JOTWELL (2015 - present)
- Founder and Editor, THE FUNERAL LAW BLOG (funerallaw.typepad.com) (2013 - present)
- Contributing Editor, PROPERTY PROF BLOG (lawprofessors.typepad.com/property/) (2009 - 2013)

RECENT SCHOLARLY PRESENTATIONS

- *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 (scheduled – April 1, 2016).
- *The Invention of American Cemetery Law*, American Association of Law Schools (AALS) Property Section Breakfast, New York, New York (January 7, 2016).
- *Regulated to Death: The Funeral Industry and the Trap of Protectionism*, Tulane Law School Regulatory Workshop, New Orleans, Louisiana (December 2, 2015).
- *Regulated to Death: The Funeral Industry and the Trap of Protectionism*, Washington and Lee University School of Law, Lexington, Virginia (November 15, 2015).
- *Regulated to Death: The Funeral Industry and the Trap of Protectionism*, Mercatus Center at George Mason University (April 28, 2015).
- *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).
- *Asserting the Rights of the Dead*, invited speaker, University of Richmond School of Law (September 19, 2014).
- *Infusing the 1L Curriculum with Experiential Learning and Clinical Pedagogy*, Association of American Law Schools Conference on Clinical Legal Education, Chicago, Illinois (April 29, 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).
- *Dead Giveaway: Creating a Uniform Limited Property Interest in Human Remains*, Junior/Senior Faculty Scholarship Workshop, Tulane University School of Law, New Orleans, LA (October 19 - 20, 2012).
- *Regulating God's Acre: Custom, Commerce & Choice in the American Cemetery*, Thursdays at Bynum, Wake Forest University, Winston-Salem, NC (April 26, 2012).
- *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).
- *Rethinking the Law of the Dead*, invited speaker, University of Kentucky School of Law, Lexington, Kentucky (November 18, 2011).
- *Rethinking the Law of the Dead*, invited speaker, Saint Louis University School of Law, St. Louis, Missouri (October 18, 2011).
- *Rethinking the Law of the Dead*, Michigan State Junior Faculty Workshop, East Lansing, Michigan (October 5, 2011).
- *Dead Giveaway: Creating a Uniform Limited Property Interest in Human Remains*, Southeastern Association of Law Schools Conference, Hilton Head, South Carolina (July 29, 2011).

- *Regulating God's Acre: Commerce, Custom, and Choice in the American Cemetery*, Association for Law, Property and Society, Washington, D.C. (March 5, 2011).
- *Regulating God's Acre: Commerce, Custom, and Choice in the American Cemetery*, invited speaker, Florida Coastal School of Law, Jacksonville, Florida (January 28, 2011).

RECENT PRESENTATIONS TO PROFESSIONAL ASSOCIATIONS

- *Purchase and Sale Agreements: Conditions vs. Covenants; Reps and Warranties; and Setting Floors and Caps for Breaches and Reps and Warranties*, 2016 International Council of Shopping Centers (ICSC) Shopping Center Law Conference, Ft. Lauderdale, Florida (scheduled – October 26-29, 2016).
- *New York and the Law of Cemeteries*, Annual Fall Conference, New York State Association of Cemeteries (scheduled – September 18-21, 2016).
- *Recent Developments in Cemetery Law*, Annual Fall Conference, New York State Association of Cemeteries (scheduled – September 18-21, 2016).
- *The Off-Broadway Tenant Coming to Your Center – How to Cast Medical Care Providers, Schools, and Other New Players in Your Shopping Center*, 2015 ICSC Shopping Center Law Conference, Scottsdale, Arizona (October 30, 2015).
- *“Can Your Lease Say You Can’t Do That”: Restrictive Covenants in Retail Leases*, American College of Real Estate Lawyers (ACREL) Meeting, Baltimore, Maryland (October 23 & 24, 2015).
- *Cemetery Law*, ABA-RPTE Section, Professor’s Corner (September 9, 2015).
- *Recent Developments in Real Estate Law: Interpreting and Enforcing Exclusive Use Covenants*, 2015 Real Property Section Annual Meeting, North Carolina Bar Association, Pinehurst, North Carolina (April 9, 2015).
- *Representing Small Businesses and Non-Profits in the Acquisition of Commercial Real Estate*, Spring Symposium sponsored by the American Bar Association (ABA) Real Property and Trust and Estate Law (RPTE) Section, Washington, D.C. (April 29, 2015).
- *Property and Pot: Issues at the Intersection of Property Law and the Legalization of Marijuana*, ABA-RPTE Section, Professor’s Corner (December 10, 2014).
- *Thinking Outside the “Box”: Health and Funeral Law Tenants in Retail Centers*, 2014 ICSC Shopping Center Law Conference, Orlando, Florida (October 23, 2014).
- *Law Professors’ Panel: Recent Developments in Property Law*, Spring Symposium sponsored by the ABA RPTE Section, Chicago, Illinois (May 2, 2014).
- *Danger! Are You Covered? Negotiating the Allocation of Risk in a Retail Lease*, 2013 ICSC Shopping Center Law Conference, San Diego, California (October 17, 2013).
- *Law Professors’ Panel: Recent Developments in Property Law*, Spring Symposium sponsored by the ABA RPTE Section, Washington, D.C. (May 3, 2013).
- *Unearthing the Law of Decedent Control of Their Remains*, CLE sponsored by the Samuel Wait Legacy Society of Wake Forest University, Charlotte, North Carolina (January 31, 2013).
- *An Insurance Presentation You Can Use: How to Write Insurance Specifications for a Shopping Center Lease*, 2012 ICSC Shopping Center Law Conference, Orlando, Florida (October 25, 2012).
- *Co-Planner (with Professor Harold Lloyd), Advanced Topics in Real Property*, North Carolina Bar Association, Cary, North Carolina (October 5, 2012).
- *Law Professors’ Panel: Recent Developments in Property Law*, Spring Symposium sponsored by the ABA RPTE Section, New York, New York (May 4, 2012).
- *Revisiting Commercial Real Estate Contract Remedies in Troubling Times*, Spring Symposium sponsored by the ABA RPTE Section, Washington, D.C. (April 28, 2011).

- *Basic Insurance Topics for Landlords and Tenants*, 2010 ICSC Shopping Center Law Conference, Hollywood, Florida (November 3, 2010).

RECENT INTERVIEWS AND MEDIA REFERENCES TO SCHOLARSHIP

- Jacob Goldstein, *You Asked for It (The Business of Cemeteries)*, Planet Money (NPR), Jan. 27, 2016.
- Jeremy Cohen, *Bio-Cremation: A Greener Way to Die?*, Qeepr, October 1, 2015.
- Paul Brennan, *Prayer Garden Controversy May Change Wisconsin Law*, Wisconsin Watchdog, September 25, 2015.
- Claes Bell, *Thrifts vs. traditional banks: What's the difference?*, Bankrate, September 15, 2015.
- Jonathan Goddard, *What Should be Done with the Remains of Miscarried Fetuses?*, Vice, September 12, 2015.
- Michael Hewlett, *Law Professor Deals with the Complicated Legal Issues Revolving Around the Dead*, Winston-Salem Journal, September 8, 2015.
- Dan Kelley, *Cops find body parts in unlicensed funeral home for a second time in two weeks*, Metro [Philadelphia], September 1, 2015.
- Jessica Fecteau, *Urban Death Project Founder Makes Case for Composing Human Bodies*, People Magazine, June 1, 2015.
- Stacy Mitchell, *Local Banks Have Vanished Since 2008. Why We Should Treat It as a National Crisis*, Truthout, May 8, 2015.
- Joshua Zumbrun, *Yellen Fed's Vacancies Prompt Push for Community Banker: Economy*, Bloomberg, January 8, 2014.
- Matt Evans, *Brad Miller to Congress: Pay attention to community banks*, Business Journal (Greensboro/Winston Salem), August 20, 2013.
- Joseph Woodruff, *Community Banks: Too Small to Save?*, Banking Law Connection, May 15, 2013.
- Matt Stout, *Virginia Officials: Tamerlan burial a grave injustice*, The Boston Herald, May 13, 2013.
- Rodrigue 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.
- Greg Edwards, *Study: Dodd-Frank endangers small banks*, St. Louis Business Journal, May 9, 2013.
- Jay Lindsay, Associated Press, *[Update on Tamerlan Tsarnaev case]*, May 10, 2013.
- Jay Lindsay, Associated Press, *Still no resting spot for Tamerlan Tsarnaev*, May 8, 2013.
- Joe Adler, *Dodd-Frank Hurts Small Banks Too*, AEI Paper Warns, American Banker, May 8, 2013
- Elise Amendola, *U.S. Funeral Director Considers Burial Offers for Tsarnaev*, Moscow Times, May 7, 2013.
- Judy Wheatley, *Fixing Final-Document Chaos*, Mortgage Banking, December 1, 2012.
- Katie Arcieri, *Foreclosures down, but industry wary of "shadow market,"* Business Journal (Greensboro/Winston Salem), September 16, 2011.
- Katie Arcieri, *Long overdue: Continued lag in Triad home sales leaves some experts wondering if the market has hit bottom*, Business Journal (Greensboro/Winston-Salem), August 19, 2011.

PROFESSIONAL EXPERIENCE

Marsh & Marsh, LLC Indianapolis, Indiana <i>Partner</i>	2010 – 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