TANYA D. MARSH

1834 Wake Forest Road, Winston-Salem, North Carolina 27109 marshtd@wfu.edu

ACADEMIC EMPLOYMENT

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

Courses Taught:

- Property (4 cr.) Estates & Trusts (3 cr.)
- Funeral and Cemetery Law (3 cr.) Property II (3 cr.)
- Real Estate Transactions (3 cr.) Law, Business, and the Economy (2 cr.)
- Professional Development (1 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)
- Member, Law School Dean Search Committee (2023)

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

- Maybe It's Time to Let the Old Ways Die: New Data on Consumer Preferences in Death Care (with Quincey J. Pyatt), 59 WAKE FOREST L. REV. 909 (2024).
- An Eco-Conscious Farewell (with Joe L. Whalley), 59 WAKE FOREST L. REV. 941 (forthcoming 2024)
- Trump campaign violated rules in Arlington National Cemetery visit, cemetery legal expert explains, THE CONVERSATION (September 6, 2024)
- Colorado to tighten regulations on funeral homes after multiple scandals here's what this means for families, THE CONVERSATION (June 5, 2024)
- *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 & Poly 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

- Planning to Meet One's Maker: The Intersection of Religious Beliefs and Estate Planning, 59th Annual Heckerling Institute on Estate Planning, Orlando, Florida (January 14, 2025)
- Legal Issues in Death Care, 2024 Deathcare Superconference, National Home Funeral Alliance, Seattle, Washington (September 28, 2024)
- Indiana Real Property Year in Review, 2024 Indiana Law Survey, Indianapolis, Indiana (September 12, 2024)
- The Limitations of The Native American Graves Protection and Repatriation Act, Reckoning with Africana Ancestral Entities: Museums and Reparative Justice, Center and Law, Equity, and Race at Northeastern University (April 2024)
- Consumer Protection: The Future of the Funeral Rule, The Future of Death Care in America, Wake Forest University Law Review Symposium (March 1, 2024)
- Viking Burials and Funeral Planning, IndyBar Estate Planning and Administration Section CLE, Indianapolis, Indiana (November 28, 2023)
- Indiana Real Property Year in Review, 2023 Indiana Law Survey, Indianapolis, Indiana (September 28, 2023)
- Emerging Trends Panel, 2023 CANA Cremation Symposium, Las Vegas, Nevada (February 10, 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

- Andrew DeMillo, *Arkansas victims of mortuary theft scheme inspire push for law banning sale of human remains*, The Associated Press (February 20, 2025)
- Aaron Blake, *Did Trump's campaign break the law at Arlington National Cemetery?*, The Washington Post (August 28, 2024)
- Brenna Ehrlich, *Their bodies were donated to Harvard. Then they went missing*, Rolling Stone (December 4, 2023)
- Sarah Kuta, *Why was a human skull on sale at a Florida thrift shop*, Smithsonian magazine (November 21, 2023)
- Lola Fadulu, *Human skull, on sale for \$4,000, draws attention to Florida store,* The New York Times (November 7, 2023)
- Janet Nguyen, Who pays to maintain old graves at a cemetery?, NPR Marketplace (October 27, 2023)
- Jess Thomson, *How a Colorado funeral parlor become home to 189 decaying bodies*, Newsweek (October 20, 2023)
- Zachary Small, Facing scrutiny, a museum that holds 12,000 human remains changes course, The New York Times (October 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 (December 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 battlefront 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., cum laude	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	2016 – present
Indianapolis, Indiana	
Partner, Chair of Death Care Services Group	
Frost Brown Todd LLC	2008 – 2010
Indianapolis, Indiana	
Senior Counsel, Real Estate Section	
Kite Realty Group Trust	2003 – 2008
Indianapolis, Indiana	
Vice President of Legal	
Ice Miller LLP	2001 – 2003
Indianapolis, Indiana	
Associate, Real Estate Section	
Supreme Court of Indiana	2000 – 2001
Indianapolis, Indiana	
Clerk to Justice Theodore R. Boehm	
Office of Governor Evan Bayh	1994 – 1997
Indianapolis, Indiana	
Assistant Director of Planning and Communication	