

UNLV GAMING LAW JOURNAL

Volume 2, Number 2

Fall 2011

ARTICLES

GTL: GAMING, TERRITORIALITY, AND THE LAW – COMPARATIVE APPROACHES
TO ONLINE GAMING: LESSONS FOR ONTARIO

Emir Aly Crowne, Anthony Andreopoulos

WELCOME TO FABULOUS LAS VEGAS: THE NEVADA GAMING REGULATORY
RESPONSE TO SOVEREIGN WEALTH FUND INVESTMENT

John J. Piro

WHY THEY SAY “NO” (CASI—“NO”):
COUNTRIES THAT REJECT LEGALIZED CASINO GAMBLING

William N. Thompson

TRANSCRIPT

HOW TO PLAY YOUR HAND: LESSONS FOR NEGOTIATORS FROM POKER

NOTES

WHEN THE CHIPS ARE DOWN: DO INDIAN TRIBES WITH INSOLVENT
GAMING OPERATIONS HAVE THE ABILITY TO FILE FOR BANKRUPTCY
UNDER THE FEDERAL BANKRUPTCY CODE?

Corina Rocha Pandeli

THE PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT (PASPA):
A BAD BET FOR THE STATES

Eric Meer

THE PENDULUM SWINGS: COMMERCE CLAUSE AND
TENTH AMENDMENT CHALLENGES TO PASPA

Thomas L. Skinner III

The *UNLV Gaming Law Journal* is published by students of the William S. Boyd School of Law, University of Nevada, Las Vegas, in conjunction with the International Masters of Gaming Law. Editorial and general offices are located at 4505 South Maryland Parkway, Box 451003, Las Vegas, Nevada, 89154-1003; 702-895-2370.

Domestic subscription rate: \$40.00 per year. Foreign subscription rate: \$50.00 per year. Subscription requests may be sent to the *UNLV Gaming Law Journal* at the general office address listed above. Checks should be made payable to "Board of Regents." Subscriptions will be renewed automatically unless notice of cancellation is received. Changes of address notices should include old and new addresses and zip codes.

The *UNLV Gaming Law Journal* welcomes unsolicited manuscripts on topics regarding gaming law. Footnotes should conform to the standards as set forth in *The Bluebook* (19th ed. 2010). Manuscripts can be submitted to the general office address listed above; manuscripts will not be returned unless accompanied by a self-addressed, postage-paid envelope. Manuscripts can also be submitted to the Journal's Business Editor at business.editor@unlvgamblinglawjournal.org. Manuscripts accepted for publication must subsequently be submitted in Word format.

Unless otherwise noted, all articles are copyright © 2011 by the *UNLV Gaming Law Journal*.

UNLV GAMING LAW JOURNAL

Volume 2 Fall 2011 Number 2

ARTICLES

GTL: GAMING, TERRITORIALITY, AND THE LAW – COMPARATIVE APPROACHES TO ONLINE GAMING: LESSONS FOR ONTARIO
Emir Aly Crowne, Anthony Andreopoulos 155

WELCOME TO FABULOUS LAS VEGAS: THE NEVADA GAMING REGULATORY RESPONSE TO SOVEREIGN WEALTH FUND INVESTMENT
John J. Piro 167

WHY THEY SAY “NO” (CASI—“NO”): COUNTRIES THAT REJECT LEGALIZED CASINO GAMBLING
William N. Thompson 195

TRANSCRIPT

HOW TO PLAY YOUR HAND: LESSONS FOR NEGOTIATORS FROM POKER. 231

NOTES

WHEN THE CHIPS ARE DOWN: DO INDIAN TRIBES WITH INSOLVENT GAMING OPERATIONS HAVE THE ABILITY TO FILE FOR BANKRUPTCY UNDER THE FEDERAL BANKRUPTCY CODE?
Corina Rocha Pandeli 255

THE PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT (PASPA): A BAD BET FOR THE STATES
Eric Meer 281

THE PENDULUM SWINGS: COMMERCE CLAUSE AND TENTH AMENDMENT CHALLENGES TO PASPA
Thomas L. Skinner III 311

UNLV GAMING LAW JOURNAL

Published by the
William S. Boyd School of Law
University of Nevada, Las Vegas
in conjunction with the
International Masters of Gaming Law

BOARD OF EDITORS

Editor-in-Chief

CHANDENI K. GILL

Managing Editor

RENEE MAXFIELD

Business Editor

NICHOLAS HICKLY

Articles Editors

ROMAN BORISOV
DARREN RODRIGUEZ

MATTHEW KNEPPER
THOMAS L. SKINNER III

Notes Editors

MARK HUTCHINGS

CHRISTOPHER HUMES

Senior Staff

STEVEN C. DEVNEY
BRAD SHIPLEY

DUSTUN HOLMES
ASHLEY WEDDING

Junior Staff

ANGELA COOK
KENTON EICHACKER
NICOLE LAUDWIG
JONATHAN PECK
MARISA RODRIGUEZ
KIRSTEN VAN RY

GERARD DONDERO
BETHANY KIRKENIR
ERICA OKERBERG
MORGAN PETRELLI
DAVID SCHNELL-DAVIS
ALEJANDRO PATRICIO YANEZ

Faculty Advisors

ANTHONY CABOT

NGAI PINDELL

NANCY RAPOPORT

Editorial Office

4505 Maryland Parkway, Las Vegas, Nevada 89154-1003 • Tel: 702.895.2370

William S. Boyd School of Law – Faculty and Administration for 2011-2012

ADMINISTRATIVE OFFICERS

John V. White, Dean, William S. Boyd School of Law
Frank Durand, Dean for Student Advancement
Francis J. Mootz, Associate Dean for Academic Affairs and Faculty Development
Christine Smith, Associate Dean for Administration and Student Affairs

LAW FACULTY

Rachel J. Anderson, J.D., University of California, Berkeley School of Law, *Associate Professor of Law*
Ian C. Bartrum, LL.M., Yale Law School; J.D., Vermont Law School, *Associate Professor of Law*
Peter Brandon Bayer, LL.M., Harvard Law School; J.D., New York University Law School, *Lawyering Process Professor of Law*
Linda L. Berger, J.D., Case Western Reserve University, *Professor of Law*
Mary E. Berkheiser, J.D., University of Arizona, James E. Rogers College of Law, *Director of Clinical Programs, Professor of Law*
Bret C. Birdsong, J.D., University of California, Hastings College of Law, *Professor of Law*
Christopher L. Blakesley, J.S.D., Columbia University School of Law; LL.M., Columbia University School of Law; J.D., University of Utah Law School, *Cobeaga Law Firm Professor of Law*
Richard L. Brown, J.D., Indiana University School of Law, *Professor of Law (Emeritus)*
Honorable Jay S. Bybee, J.D., Brigham Young University, J. Reuben Clark Law School, *Senior Fellow in Constitutional Law*
Ann Cammett, J.D., City University of New York School of Law, *Associate Professor of Law*
Jennifer Carr, J.D., University of Nevada, Las Vegas, William S. Boyd School of Law, *Director of the Academic Success Program*
Robert I. Correales, LL.M., Georgetown University; J.D., University of Kansas School of Law, *Associate Professor of Law*
Linda Edwards, J.D., University of Tennessee College of Law, E.L. Cord Foundation *Professor of Law*
Ruben J. Garcia, LL.M., University of Wisconsin Law School; J.D., University of California, Los Angeles, School of Law, *Professor of Law*
Martin Geer, LL.M., Columbia Law School; J.D., Wayne State University Law School, *Director of Externship Program*
Sara Gordon, J.D., University of Arizona, James E. Rogers College of Law, *Lawyering Process Professor of Law*
Douglas Grant, J.D., University of Colorado, *Professor of Law (Emeritus)*
Lynne Henderson, J.D., Stanford Law School, *Professor of Law (Emerita)*
Lori D. Johnson, J.D., Northwestern University School of Law, *Lawyering Process Professor of Law*
Michael Kagan, J.D., University of Michigan Law School, *Associate Professor of Law*
Kay P. Kindred, J.D., Columbia University School of Law, *Ralph Denton Professor of Law*
Katherine R. Kruse, J.D., University of Wisconsin Law School, *Professor of Law*
Mary LaFrance, J.D., Duke University School of Law, *IGT Professor of Law*
Sylvia Lazos, J.D., University of Michigan School of Law, *Justice Myron Leavitt Professor of Law*
Elizabeth L. MacDowell, J.D., University of California, Berkeley School of Law, *Associate Professor of Law*
Honorable Bruce A. Markell, J.D., University of California, Davis School of Law, *Senior Fellow in Bankruptcy and Commercial Law*
Fatma Marouf, J.D., Harvard Law School, *Associate Professor of Law*
Thomas B. McAfee, J.D., University of Utah, S.J. Quinney College of Law, William S. Boyd *Professor of Law*

Ann C. McGinley, J.D., University of Pennsylvania Law School, *William S. Boyd Professor of Law*
Francis J. Mootz III, J.D., Duke University School of Law, *William S. Boyd Professor of Law and Associate Dean for Academic Affairs and Faculty Development*
Richard J. Morgan, J.D., University of California, Los Angeles School of Law (*Dean Emeritus*)
Rebecca Nathanson, Ph.D., University of California, Santa Barbara, *James E. Rogers Professor of Education and Law*
Raymond W. Patterson, J.D., Benjamin N. Cardozo School of Law, *Associate Director of the Saltman Center for Conflict Resolution*
Ngai L. Pindell, J.D., Harvard Law School, *Professor of Law*
Terrill Pollman, J.D., University of Arizona, James E. Rogers College of Law, *Director of the Lawyering Process Program and Professor of Law*
Jeanne Price, J.D., University of Texas, *Director of the Wiener-Rogers Law Library and Associate Professor of Law*
Nancy B. Rapoport, J.D., Stanford Law School, *Gordon Silver Professor of Law*
Addie C. Rolnick, J.D., UCLA School of Law, *Associate Professor of Law*
Keith A. Rowley, J.D., University of Texas School of Law, *William S. Boyd Professor of Law*
Rebecca Scharf, J.D., Harvard Law School, *Lawyering Process Professor*
Elaine Shoben, J.D., University of California, Hastings College of Law, *Judge Jack and Lulu Lehman Professor of Law*
Jeffrey W. Stempel, J.D., Yale Law School, *Doris S. and Theodore B. Lee Professor of Law*
Jean Sternlight, J.D., Harvard Law School, *Director of the Saltman Center for Conflict Resolution and Michael and Sonja Saltman Professor of Law*
David Tanenhaus, Ph.D., University of Chicago, *James E. Rogers Professor of History and Law*
Stacey Tovino, J.D., University of Houston Law Center, *Professor of Law*
Anne Traum, J.D., University of California, Hastings College of Law, *Associate Professor of Law*
Marketa Trimble, J.S.D., Stanford Law School, *Associate Professor of Law*
John V. White, J.D., Yale Law School, *Dean and Professor of Law*
Jean M. Whitney, J.D., William Mitchell College of Law, *Associate Director of the Lawyering Process Program and Lawyering Process Professor of Law*

ADJUNCT & VISITING LAW FACULTY

Matthew J. Christian, J.D., University of Nevada, Las Vegas, William S. Boyd School of Law
Douglas M. Edwards, J.D., University of San Francisco School of Law
Robert D. Faiss, J.D., American University, Washington College of Law
John Forry, J.D., Harvard Law School
Franny Forsman, J.D., Notre Dame Law School
Dean J. Gould, J.D., Wayne State University
Michelle Juan, J.D., University of San Diego Law School
Stanley C. Hunterton, J.D., Syracuse University College of Law
Bruce Markell, J.D., University of California, Davis, School of Law
Mike K. Nakagawa, J.D., University of California, Davis, School of Law
Stanford B. Owen, J.D., Stanford Law School
Tom Pitaro, J.D., University of California, Los Angeles, School of Law
Richard A. Rawson, J.D., University of Nevada, Las Vegas William S. Boyd School of Law
Jennifer Roberts, J.D., University of Utah College of Law
David P. Schwartz, J.D., Brooklyn Law School
Frank P. Sullivan, J.D., DePaul University
Mark Tratos, J.D., Lewis and Clark Law School

Lisa B. Bingham, J.D., University of Connecticut, *Visiting Professor of Law*
Francine Lipman, LL.M., NYU School of Law; J.D., University of California, Davis, *Visiting Professor of Law*

UNLV GAMING LAW JOURNAL

ADVISORY BOARD

MARITA CARNELLEY

Professor, University of KwaZulu-Natal

JAMES B. DEUTSCH

Partner, Blitz Bardgett & Deutsch L.C.

J. KELLY DUNCAN

Partner, Jones Walker Waechter Poitevent Carrere & Denegre LLP

JUSTIN FRANSSSEN

Partner, VMW Taxand

THOMAS JINGOLI

Vice President / Chief Compliance Officer, Konami Gaming Inc.

JAMIE NETTLETON

Partner, Addisons/Commercial Lawyers

NICK NOCTON

Partner, Jeffrey Green Russell

KERRY PATTERSON

Of Counsel, Lewis and Roca LLP

DAN R. REASER

Partner, Lionel Sawyer & Collins

CARLOS FONSECA SARMIENTO

Partner, Varela & Fonseca Abogados

STEPHEN D. SCHRIER

Partner, Blank Rome LLP

ROBERT W. STOCKER II

Member, Dickinson Wright PLLC

GAMING LAW ADVISORY COUNCIL
WILLIAM S. BOYD SCHOOL OF LAW
2011

JOSEPH ASHER

President, Brandywine Gaming

MARK AMODEI

*Former State Senator and Nevada GOP
Chairman*

DR. BO BERNHARD

*Associate Professor, William F. Harrah
College of Hotel Administration, University
of Nevada, Las Vegas*

PETER BERNHARD

Chairman, Nevada Gaming Commission

ANTHONY N. CABOT

Lewis and Roca LLP

MARK CLAYTON

Lionel Sawyer & Collins

JACOB COIN

*Director of Public Affairs, San Manuel
Band of Mission Indians*

CATHERINE CORTEZ MASTO

Attorney General, State of Nevada

ROBERT FAISS

Lionel Sawyer & Collins

SEAN T. HIGGINS

Of Counsel, Gordon Silver

MARK A. LIPPARELLI

*Chairman, Nevada State Gaming Control
Board*

FRANKLIN H. LEVY

Counsel to Las Vegas Sands Corp.

ROBERT C. MELENDRES

*Chief Legal Officer International Game
Technology*

MICHAEL NEILSON

*General Counsel and Company Secretary,
Crown Limited*

MAREN PARRY

Ballard Spahr Andrews & Ingersoll

The *UNLV Gaming Law Journal* would like to recognize the following sponsors for their generous contributions to the *Journal*.

PLATINUM SPONSORS

KONAMI

**LEWIS
AND
ROCA
— LLP —
LAWYERS**

SILVER SPONSORS

JEFFREY GREEN RUSSELL

JONES  WALKER

SILVER SPONSORS



LIONEL SAWYER & COLLINS

BRONZE SPONSORS



PATRONS

Frank Cantania

Robert Faiss

Sam Lionel

Dan & Ann Reaser

Jane Zerbi