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 and the Gaming Law Section of the State Bar of Nevada. Editorial and general offices are located at 4505 South Maryland Parkway, Box 451003, Las Vegas, Nevada, 89154.

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* (20th ed. 2015). 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@unlvgaminglawjournal.org. Manuscripts accepted for publication must subsequently be submitted in Word format.

Unless otherwise noted, all articles are copyrighted © 2018 by the UNLV Gaming Law Journal.

ARTICLES

Playing the Odds: The Realities of State-by-State Suitability Determinations and the Need i	FOR
Federal Regulation	
Daniel N. Clay, LL.M, J.D	79
INTERNATIONAL REGULATION OF FANTASY SPORTS: COMPARATIVE LEGAL ANALYSIS OF UNITED STATES,	,
Australian, and Asian Laws	
Muralee Das, Ph.D	93
THE HOUSE ADVANTAGE: TRADE SECRET PROTECTIONS ON THE CASINO FLOOR	
Kevin Johnson, J.D	121
REGULATORY MODELS FOR SPORTS WAGERING: THE DEBATE BETWEEN STATE VS. FEDERAL OVERSIGHT	
Keith C. Miller, LL.M, J.D. and Anthony N. Cabot, J.D	153
COMMENTS	
THE NEGATIVE EFFECTS OF CONFUSION OVER COLLATERAL AGREEMENTS UNDER THE INDIAN GAMING	
REGULATORY ACT: WHICH AGREEMENTS NEED REVIEW?	
Matthew D. Craig	185
UNREASONABLY RISKY: WHY A NEGLIGENCE STANDARD SHOULD REPLACE THE BANKRUPTCY CODE'S	
Fraudulent Intent Analysis for Gambling Debts	
Spencer H. Newman	197
NOTES	
WHAT'S IN A GAME: COLLECTIVE MANAGEMENT ORGANIZATIONS AND VIDEO GAME COPYRIGHT	200
Tori Allen	209
LEGAL CORPUS LINGUISTICS: GAMBLING TO GAMING LANGUAGE POWERS AND PROBABILITIES	
Kezziah Dale	233
Reziun Duie	233
A NEVADA LOTTERY: IMPROVING THE ODDS FOR NEVADA'S PUBLIC EDUCATION SYSTEM	252
Michael Linton	233

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

and the

Gaming Law Section of the State Bar of Nevada

BOARD OF EDITORS

Editor-in-Chief

MICHAEL LINTON

Managing Editor

ERIC DUHON

Lead Articles Editor

KATIE CANNATA

Articles Editors

ALANNA BONDY

KATHERINE FOX

TORI ALLEN

Business Editor

JACLYN KLIEWER

Special Projects Editor

TEYLA CHARLOTTE BUYS

Notes Editors

CHARLES ADJOVU

SEBASTIAN GAJARDO

Senior Staff

KEZZIAH DALE

VINCENT KWAN

Junior Staff

AMIT BEN MOSHE ARIANA REED ASHLEY BURKETT ATHENA ELIADES DAVID STERN

JACOB DANIEL CRAWLEY JENNIFER ASPEN SMITH

JONATHAN SVENSON JULIE SPERAW JULIO GARCIA KATHLEEN GALLAGHER KIMBER LAUX MARK LOUNSBURY NICOLE LUTEY

SAHAR NAWABZADA STACY NORRIS STEPHEN MENDENHALL THERESA GUERRA TIFFANY YANG VILMA NUNEZ

Faculty Advisors

PROFESSOR KEITH ROWLEY PROFESSOR MICHAEL KAGAN PROFESSOR SARA GORDON

William S. Boyd School of Law, UNLV Faculty and Administration for 2017-2018

ADMINISTRATION

Daniel W. Hamilton, Dean, Richard J. Morgan Professor of Law

Linda Berger, Associate Dean for Faculty Development and Research; Family Foundation Professor of Law

Frank D. Durand, Associate Dean for Student Affairs

Rebecca Nathanson, Associate Dean for Experiential Education; James E. Rogers Professor of Education and Law

Jeanne F. Price, Associate Dean for Academic Affairs, Professor of Law

Christine Smith, Associate Dean for Public Service, Compliance and Administration

Layke Martin, Assistant Dean for External Relations

LAW FACULTY

Rachel J. Anderson, J.D., University of California, Berkeley, School of Law, Professor of Law

Chelsea M. Baldwin, J.D., Oklahoma City University School of Law, Director of the Academic Success Program; Associate Professor in Residence

Ian C. Bartrum, LL.M., Yale Law School; J.D., Vermont Law School, Professor of Law

Peter Brandon Bayer, LL.M., Harvard Law School; J.D., New York University School of Law, Associate Professor of Law

Mary Beth Beazley, J.D., University of Notre Dame Law School, Professor of Law

Linda L. Berger, J.D., Case Western Reserve University School of Law, Family Foundation Professor of Law

Bret C. Birdsong, J.D., University of California, Hastings College of the Law, Professor of Law

Robert I. Correales, LL.M., Georgetown University Law Center; J.D., University of Kansas School of Law, Professor of Law

Benjamin Edwards, J.D., Columbia Law School, 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, Associate Dean for Faculty Development and Research; Co-Director, Workplace Law Program; Professor of Law

Sara Gordon, J.D., University of Arizona College of Law, Associate Professor of Law

Leslie C. Griffin, J.D., Stanford Law School, William S. Boyd Professor of Law

Daniel W. Hamilton, Ph.D., Harvard University; J.D., George Washington University, Dean; Richard J. Morgan Professor of Law

Eve Hanan, J.D., University of Michigan Law School, Associate Professor of Law

Lori D. Johnson, J.D., Northwestern University School of Law, Associate Professor of Law

Michael Kagan, J.D., University of Michigan Law School, Director, Immigration Clinic; Professor of Law

Kay P. Kindred, J.D., Columbia University School of Law, Professor of Law

Mary LaFrance, J.D., Duke University School of Law, IGT Professor of Intellectual Property Law

Sylvia Lazos, J.D., University of Michigan Law School, Justice Myron Leavitt Professor of Law

Francine J. Lipman, LL.M., New York University School of Law; J.D., University of California, Davis, School of Law, William S. Boyd Professor of Law

Elizabeth L. MacDowell, J.D., University of California, Berkeley, School of Law, Director, Family Justice Clinic; Professor of Law

Thomas O. Main, J.D., Northeastern University School of Law, William S. Boyd Professor of Law

Thomas B. McAffee, J.D., University of Utah 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

Joanna A. Medrano, J.D., Brooklyn Law School, Director of Externships; Assistant Professor-in-Residence

Rebecca Nathanson, Ph.D., University of California, Santa Barbara, Associate Dean for Experiential Education; James E. Rogers Professor of Education and Law

Lydia Nussbaum, J.D., University of Maryland Francis King Carey School of Law, Director, Mediation Clinic; Associate Director, Saltman Center for Conflict Resolution; Associate Professor of Law

David Orentlicher, J.D., Harvard Law School, Co-Director, UNLV Health Law Program; The Cobeaga Law Firm Professor of Law Ngai Pindell, J.D., Harvard Law School, Vice Provost for Faculty Affairs (UNLV); Director of Gaming Programs; International Gaming Institute Professor of Law

Terrill Pollman, J.D., University of Arizona College of Law, Professor of Law

Jeanne F. Price, J.D., University of Texas School of Law, Associate Dean for Academic Affairs, Professor of Law; Director, Wiener-Rogers Law Library

Nancy B. Rapoport, J.D., Stanford Law School, Special Counsel to the President (UNLV); Garman Turner Gordon Professor of Law;
Affiliate Professor of Law and Ethics, Lee Business School

Addie C. Rolnick, J.D., University of California, Los Angeles, 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, Associate Professor of Law

Elaine Shoben, J.D., University of California, Hastings College of the 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, Saltman Center for Conflict Resolution; Michael and Sonja Saltman Professor of Law

David Tanenhaus, Ph.D., University of Chicago Law School, James E. Rogers Professor of History and Law

Stacey Tovino, Ph.D., University of Texas Medical Branch; J.D., University of Houston Law Center, Founding *Director, UNLV Health Law Program; Lehman Professor of Law*

Anne R. Traum, J.D., University of California, Hastings College of the Law, Director, Appellate Clinic; Professor of Law

Marketa Trimble, J.S.D. and J.S.M., Stanford Law School; JUDr., Ph.D., Law School of Charles University in Prague, Samuel S. Lionel Professor of Intellectual Property Law

Sonya Watson, LL.M., Villanova University, J.D., William S. Boyd School of Law, Director, Low Income Taxpayer Clinic Program;

Assistant Professor-in-Residence

John V. White, J.D., Yale Law School, Ralph Denton Professor of Law

EMERITI FACULTY

Mary Berkheiser, J.D., University of Arizona, Emeritus Professor of Law

Christopher L. Blakesley, J.S.D., Columbia University; LL.M, Columbia University; J.D., University of Utah, *Emeritus Professor of Law*

Richard L. Brown, M.L.L., University of Washington; J.D., Indiana University School of Law, Emeritus Professor of Law

Douglas Grant, J.D., University of Colorado School of Law, Emeritus Professor of Law

Lynne Henderson, J.D., Stanford Law School, Emerita Professor of Law

Richard J. Morgan, J.D., University of California, Los Angeles, School of Law, Dean Emeritus

Jean M. Whitney, J.D., William Mitchell College of Law, Emerita Professor of Law

LIBRARY FACULTY

Jennifer Gross, J.D., Pace University School of Law; M.L.I.S., University of Washington, *Head of Collections and Associate Professor*

Elizabeth Manriquez, J.D., Chicago-Kent College of Law; M.L.I.S., University of Washington, Research Librarian and Assistant Professor

David McClure, J.D., University of Nebraska College of Law; M.S.I.S., University of Texas, Associate Director and Associate Professor

Laura Vlieg, J.D., William & Mary Law School; M.L.I.S. University of Arizona (2017), Research Librarian and Assistant Professor

VISITING LAW FACULTY

Harold Abramson, LL.M, Harvard Law School; J.D., Syracuse University College of Law

Rishi Batra, J.D., Harvard Law School

Kim Chanbonpin, LL.M., Georgetown University Law; J.D., University of Hawai'i at Mānoa, William S. Richardson School of Law Joshua Dressler, J.D., UCLA School of Law

Tonya M. Evans, J.D., Howard University School of Law

Steven S. Gensler, J.D., University of Illinois College of Law

Joan Howarth, J.D., University of Southern California

Allison Martin, J.D., University of Illinois College of Law

Keith C. Miller, LL.M., University of Michigan; J.D., University of Missouri-Kansas City

Kristen E. Murray, J.D., Georgetown University Law Center

Mark G. Yudof, LL.B, University of Pennsylvania

DISTINGUISHED FELLOW IN LAW AND POLICY

Senator Harry Reid, J.D., George Washington University, Distinguished Fellow in Law and Policy

DISTINGUISHED FELLOW IN GAMING LAW

Anthony Cabot, J.D., Arizona State University, Sandra Day O'Connor College of Law

SENIOR FELLOWS

Nancy Brune, Ph.D., Yale University, Executive Director, Kenny Guinn Center for Policy Priorities, Nevada, *Senior Fellow* Honorable Jay S. Bybee, J.D., Brigham Young University Law School, *Senior Fellow in Constitutional Law*

Patricia Mulroy, Senior Fellow for Climate Adaptation and Environmental Policy (Brookings Institute) and Practitioner in Residence for the Saltman Center for Conflict Resolution

SALTMAN SENIOR SCHOLARS

Hal Abramson, LL.M., Harvard Law School; J.D., Syracuse University College of Law Lisa Blomgren Amsler, J.D., University of Connecticut School of Law

ADJUNCT FACULTY

Linda L. Ammons, J.D., Ohio State University Moritz College of Law

Cynthia Asher, J.D., Georgetown University Law Center; M.P.H., Johns Hopkins University

Jeanette "Jae" Barrick, J.D., William S. Boyd School of Law

Stephen Bates, J.D., Harvard Law School

Honorable Richard Boulware, J.D., Columbia Law School

Honorable Jay S. Bybee, J.D., Brigham Young University Law School

Anthony Cabot, J.D., Arizona State University, Sandra Day O'Connor College of Law

Pete Christiansen, J.D., University of Wyoming College of Law

Sean Claggett, J.D., William S. Boyd School of Law

Honorable Valerie Cooke, J.D., Northwestern University School of Law

Margaret M. Crowley, J.D., University of California, Davis, School of Law

Honorable Jennifer Dorsey, J.D., Pepperdine University School of Law

David Doto, J.D., Villanova University School of Law

Amy A. Feliciano, William S. Boyd School of Law

Ozzie Fumo, J.D., Whittier Law School

Maxim Gakh, J.D., The Ohio State University; M.P.H., Johns Hopkins University

Tom Gallagher, J.D., Harvard Law School

John W. Garman, LL.M., McGeorge School of Law; J.D., University of LaVerne College of Law

Greg Gemignani, J.D., University of Wisconsin Law School

Dominic Gentile, J.D., DePaul Law School

Elias George, J.D., William S. Boyd School of Law

Sarah E. Harmon, J.D., University of San Diego, School of Law

Stanley C. Hunterton, J.D., Syracuse University College of Law

Richard Jost, J.D., Syracuse University College of Law

Dennis Kennedy, J.D., University of Washington

Kristine Kuzemka, J.D., Seattle University School of Law

John Lambrose, J.D., University of Idaho College of Law

Eleissa Lavelle, LL.M., Pepperdine University School of Law; J.D., University of Utah College of Law

Mark Lerner, J.D., American University Washington College of Law

Erin McMullen, J.D., California Western School of Law

Samuel McMullen, J.D., Georgetown University Law Center

Leon Mead, J.D., Loyola Law School

Leslie Strasser Murdock, Ph.D., UNLV; J.D., University of Nevada, Las Vegas, William S. Boyd School of Law

Honorable Mike K. Nakagawa, J.D., University of California, Davis, School of Law

Stanford B. Owen, J.D., Stanford Law School

Thomas Pitaro, J.D., University of California, Los Angeles, School of Law

Honorable Philip M. Pro (Ret.), LL.M, Duke University School of Law; J.D., Golden Gate University School of Law

Richard A. Rawson, LL.M., University of Alabama School of Law; J.D., William S. Boyd School of Law

Joseph Regalia, J.D., University of Michigan Law School

Jennifer Roberts, J.D., University of Utah College of Law

David Sandino, J.D., Santa Clara University School of Law

Herbert R. Schulze, J.D., University of Chicago

Selina Shultz, LL.M., The Straus Institute at the Pepperdine University School of Law; J.D. University of Pittsburgh School of Law

David P. Schwartz, J.D., Brooklyn Law School

Howard Siegel, J.D., Syracuse University College of Law

Kelly B. Stout, J.D., William S. Boyd School of Law

Cassie Stratford, J.D., William S. Boyd School of Law

Honorable Frank P. Sullivan, J.D., DePaul University College of Law

Honorable Jerome Tao, J.D., George Washington University

Rene Valladares, LL.M., University of Miami School of Law; J.D., University of Florida School of Law

Blaine Welsh, J.D., Brigham Young University Law School

David Williams, M.B.A., University of Texas

Steve Wolfson, J.D., California Western School of Law

Homa Woodrum, J.D., University of Nevada, Las Vegas, William S. Boyd School of Law

Honorable Gregg Zive, J.D., University of Notre Dame Law School

GAMING LAW ADVISORY BOARD 2017-2018

CHAIRMAN — ANTHONY PEARL — The Cosmopolitan of Las Vegas MIKE ALONSO — Lewis Roca Rothgerber Christie PATRICIA BECKER — Patricia Becker and Associates Bo Bernhard — UNLV International Gaming Institute PETER BERNHARD — Kaempfer Crowell MICHAEL BRUNET—Palms Resort and Casino A.G. BURNETT — Nevada Gaming Control Board ANTHONY CABOT — Lewis Roca Rothgerber Christie JACOB COIN — San Manuel Band of Mission Indians BILL CURRAN — Ballard Spahr LLP LOU DORN — SLS Hotels MARK DUNN — Aristocrat Technologies KATIE FELLOWS — Hard Rock Hotel & Casino Las Vegas GEOFF FREEMAN — The American Gaming Association PHYLLIS GILLAND — American Casino & Entertainment Properties GREGORY GIORDANO — McDonald Carano Wilson LLP A.J. (BUD) HICKS — McDonald Carano Wilson LLP TOM JINGOLI — Konami Gaming TERRY JOHNSON — Nevada Gaming Control Board JAN JONES BLACKHURST — Caesars Entertainment JACQUI KRUM — Wynn Resorts YVETTE LANDAU — W.A. Richardson Builders, LLC BRIAN LARSON — Boyd Gaming Corporation KATIE LEVER — Baha Mar MARK LIPPARELLI — University of Nevada Foundation and Gioco Ventures LLC JOHN McManus — MGM Resorts International KEVIN MULLALLY — Gaming Labs International, LLC MAREN PARRY — Ballard Spahr LLP MICHAEL PRESCOTT — International Game Technology JENNIFER ROBERTS — International Center for Gaming Regulation JEFFREY RODEFER — Rodefer Gaming Law and Strategies, LLC SCOTT SCHERER — Holland & Hart FRANK SCHRECK — Brownstein Hyatt Farber Schreck, LLP JEFFREY SILVER — Dickinson Wright PLLV KIM SINATRA — Wynn Resorts MIKE SLOAN — Fertitta Entertainment KEITH SMITH — Boyd Gaming Corporation RANDOLPH TOWNSEND — Nevada Gaming Commission ELLEN WHITTEMORE — Brownstein Hyatt Farber Schreck, LLP ANDRÉ WILSENACH — International Center for Gaming Regulation

UNLV GAMING LAW JOURNAL EDITORIAL BOARD ADVISORY COMMITTEE 2017-2018

J. KELLY DUNCAN Jones Walker LLP

GREGORY GIORDANO

McDonald Carano Wilson LLP

JEFF IFRAH
Ifrah Law

KEITH MILLER Drake University

KERRY PATTERSON
Lewis Roca Rothgerber Christie LLP

DAN REASER Fennemore Craig

JENNIFER ROBERTS

International Center for Gaming Regulation

ROBERT W. STOCKER II Dickinson Wright PLLC

UNLV GAMING LAW JOURNAL ALUMNI ADVISORY BOARD 2017-2018

Andrew Dunning Articles Editor, 2014-2015

ADAM ELLIS Editor-in-Chief, 2016-2017

KERRY E. KLEIMAN *Editor-in-Chief, 2014-2015*

ERICA OKERBERG *Editor-in-Chief, 2012-2013*

ELIJAH TREDUP Lead Articles Editor, 2015-2016

ERIC WALTHER Editor-in-Chief, 2013-2014

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

LEAD SPONSORS



KONAMI Lewis Roca ROTHGERBER CHRISTIE



BENEFACTORS

SANTIAGO ASENSI





GT GreenbergTraurig

SUPPORTING SPONSOR

Anthony N. Cabot

PATRONS

Law Offices of Constantinos Couccoullis & Associates
Dan & Ann Reaser
Frank Catania
Jane Zerbi
Robert Faiss
Sam Lionel