

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: \$50.00 per year. Foreign subscription rate: \$60.00 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* (21st ed. 2020). 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 copyrighted © 2021 by the *UNLV Gaming Law Journal*.

ORAL HISTORY

THE ORAL HISTORY OF PHIL RUFFIN

Phil Ruffin, Owner of Treasure Island Las Vegas, Circus Circus Las Vegas, and Casino Miami, among other enterprises..... 1

ARTICLES

REGULATING SPORTS GAMING DATA

Ryan M. Rodenberg, Ph.D., J.D. 9

A CASE AGAINST FEDERAL REGULATION OF INTRASTATE SPORTS WAGERING

Drew Thornley, J.D. 91

MORE THAN JUST A GAME: THE LABOR AND EMPLOYMENT ISSUES WITHIN ESPORTS

Jackson Wong, J.D. 123

HEDGING YOUR BETS: IS FANTASY SPORTS BETTING INSURANCE REALLY ‘INSURANCE’?

Haley A. Hinton..... 153

NOTES

THE FEMINIZING OF THE NEVADA GAMING INDUSTRY — CONDITIONS AND CONSEQUENCES

Abigail K. Stanley 207

A STUDY OF WATER USE BY CASINOS IN LAS VEGAS, NEVADA: THE TRANSFORMATION OF A DESERT INTO AN OASIS

Sam Bruketta 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

CASEY RAYMOND ROSENBERG

Managing Editor

JERMARA WATKINS

Lead Articles Editor

CRISTIANA WILCOXON

Articles Editors

ZAHAVA LIEBERMAN

TAYLOR REEVES

JAZMINE THOMPSON

Business & Special Projects Editors

ANA “PAO” AMEZAGA

CHENELLE JACKSON

Notes Editors

SAM BRUKETTA

ABIGAIL STANLEY

Senior Staff

ELIZABETH ADAMS TURNER GINA CERVONE
ERICA ADLER REEMA HASSANIEH
CHELSEA ARMSTRONG AUBREY HULBERT
TYLER BONZO JONATHAN MARTIN
MILICA BOSNJAK DANE SMITH

Junior Staff

MAYLI ALARCON ELIZABETH ANNE HANSON SUSAN MOTTO ALEXIS WHITMIRE
ERIC BEAL MADYSON HINKEL VICTORIA NGUYEN BAXTER L. WILDE
SHAY DIGENAN TAYLOR JORGENSEN SEBASTIAN ROSS
CHRISTAL FOLASHADE DONGHYUN (DON) LEE JACQUELINE VOKOUN DURAN
NINA GARCIA MORGAN LOMBARDI ERIC WATSON

Faculty Advisor

PROFESSOR JOHN VALERY WHITE

William S. Boyd School of Law, UNLV Faculty and Administration for 2020–21

ADMINISTRATION

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

Rachel Adair, *Assistant Dean of Career Development*

Ian Bartrum, *Associate Dean for Faculty Development and Research; Professor of Law*

Angie Doran, *Assistant Dean of Finance*

Frank D. Durand, *Associate Dean for Student Affairs*

Sara Gordon, *Associate Dean for Academic Affairs; Associate Professor of Law*

Joan Howarth, *Interim Associate Dean for Experiential Legal Education*

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

Rachel Santos, *Executive Assistant to the Dean*

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

Brian Wall, *Assistant Dean of Admissions and Financial Aid; Professor of Law*

FULL TIME FACULTY

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

Ian C. Bartrum, LL.M., Yale Law School; J.D., Vermont Law School, *Associate Dean for Faculty Development and Research; 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 Birdsong, J.D., University of California, Hastings College of the Law, *Professor of Law*

Stewart Chang, J.D., Georgetown University Law Center, *Professor of Law*

Frank Rudy Cooper, J.D. Duke Law School, *Director, Program on Race, Gender, and Policing; William S. Boyd Professor of Law*

Robert 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, *Director of the Public Policy Clinic; Associate Professor of Law*

Ruben J. Garcia, LL.M., University of Wisconsin Law School; J.D., University of California, Los Angeles, School of Law, *Co-Director, UNLV Workplace Law Program; Professor of Law*

Sara Gordon, J.D., University of Arizona College of Law, *Associate Dean for Academic Affairs, Professor of Law*

Leslie C. Griffin, M.A., M. Phil., Ph.D. Yale University, 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, *Co-Director of the Misdemeanor Clinic; Associate Professor of Law*

Joan Howarth, J.D., University of Southern California, *Interim Associate Dean for Experiential Legal Education; Distinguished Visiting Professor; Dean Emerita, Michigan State University College 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 of the Immigration Clinic; Joyce Mack Professor of Law*

Kay 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 of the Family Justice Clinic; Professor of Law*

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

Ann C. McGinley, J.D., University of Pennsylvania Law School, *Co-Director, UNLV Workplace Law Program; William S. Boyd Professor of Law*

Rebecca Nathanson, Ph.D., University of California, Santa Barbara, *Director of Education Advocacy Clinic and Kids' Court School; James E. Rogers Professor of Education and Law*

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

David Orentlicher, J.D., Harvard Law School, M.D., Harvard Medical School, *Director, UNLV Health Law Program; Judge Jack and Lulu Lehman Professor of Law*

Ngai Pindell, J.D., Harvard Law School, *International Gaming Institute Professor of Law*

Fall 2020]

UNLV GAMING LAW JOURNAL

Jeanne Frazier Price, J.D., University of Texas School of Law, *Director of the Wiener-Rogers Law Library; Louis Wiener, Jr. Law Library Professor of Law*

Nancy B. Rapoport, J.D., Stanford Law School, *Garman Turner Gordon Professor of Law; William S. Boyd School of Law Affiliate Professor of Business Law and Ethics, Lee Business School*

Joe Regalia, J.D., University of Michigan Law School, *Associate Professor of Law*

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

Keith A. Rowley, J.D., University of Texas School of Law, *William S. Boyd Professor of Law*

Rebecca L. Scharf, J.D., Harvard Law School, *Professor of Law*

Kathryn M. Stanchi, J.D., Boston University School of Law, *E.L. Cord Professor of Law*

Jeffrey Stempel, J.D., Yale Law School, *Doris S. and Theodore B. Lee Professor of Law*

Jean Sternlight, J.D., Harvard Law School, *Founding Director of the 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*

Anne Traum, J.D., University of California, Hastings College of the Law, *Director of the Appellate Clinic; Co-Director of the Misdemeanor 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*

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

DISTINGUISHED FELLOWS

Anthony Cabot, J.D., Arizona State University, Sandra Day O'Connor College of Law, *Distinguished Fellow in Gaming Law*

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

Governor Brian Sandoval, J.D. Ohio State University, Moritz College of Law, *Distinguished Fellow in Law and Leadership*

EMERITI FACULTY

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

Linda L. Berger, J.D., Case Western Reserve University, *Emerita Professor of Law*

Mary E. Berkheiser, J.D., University of Arizona College of Law, *Emerita Professor of Law*

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

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

Linda Edwards, J.D., University of Tennessee College of Law, *Emerita 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*

Thomas B. McAfee, J.D., University of Utah, S.J. Quinney College of Law, *Emeritus Professor of Law*

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

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

Elaine Shoben, J.D., Hastings College of the Law, *Emerita Professor of Law*

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

LIBRARY FACULTY

Jeanne Price, *Director of the Wiener-Rogers Law Library; Louis Wiener, Jr. Law Library Professor of Law*

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

Youngwoo Ban, J.D., Oklahoma City University School of Law; M.L.I.S. University of Arizona; LL.M. University of Nevada, Las Vegas William S. Boyd School of Law, *Research Librarian; Assistant Professor*

Jim Rich, J.D., William S. Boyd School of Law, *Research Librarian; Assistant Professor*

Victoria Tokar, J.D., Loyola Law School, Los Angeles, *Research Librarian; Assistant Professor*

Andy Tang, M.S., Rutgers, the State University of New Jersey, *Systems and Technical Services Librarian*

VISITING FACULTY

Harold Abramson, LL.M., Harvard Law School, M.P.A., Harvard University, J.D., Syracuse University College of Law, *Saltman Senior Scholar; Full-time Faculty, Touro Law Center, New York*

Daniel L. Barnett, J.D., University of the Pacific, McGeorge School of Law, *Director of Legal Writing and Professor of Law, University of Hawai'i*

Szu-Ju Chang, J.D., Western Michigan University Thomas M. Cooley Law School,

Fall 2020]

UNLV GAMING LAW JOURNAL

Director, Rosenblum Tax Clinic Program and Visiting Assistant Professor in Residence

David Fott, Ph.D., Harvard University, M.A., Harvard University, *Visiting Professor*

Maureen Johnson, J.D., Loyola Law School, *Visiting Professor*

Keith C. Miller, LL.M., University of Michigan, J.D., University of Missouri-Kansas City, *Ellis & Nelle Levitt Distinguished Professor of Law, Drake Law School*

Mary Beth Moylan, J.D., Case Western Reserve University, *Associate Dean for Experiential Learning; Professor of Lawyering Skills; Director, Global Lawyering Skills Program, University of the Pacific, McGeorge School of Law*

Monte Smith, J.D., The Ohio State University, Moritz College of Law

Susan Wawrose, J.D. Northeastern University School of Law, *Professor of Lawyering Skills, University of Dayton School of Law*

Mark Yudof, LL.B. University of Pennsylvania, *President Emeritus, University of California and Professor of Law Emeritus, University of California, Berkeley*

SENIOR FELLOWS

Nancy E. Brune, Ph.D., Yale University, *Executive Director, Kenny Guinn Center for Policy Priorities, Nevada; Adjunct Instructor, Nevada System of Higher Education; Senior Fellow*

The Honorable Jay S. Bybee, J.D., Brigham Young University Law School, *Judge, U.S. Court of Appeals for the Ninth Circuit; Senior Fellow in Constitutional Law*

Frank Fritz, J.D., Columbia University School of Law, *Senior Fellow*

Patricia Mulroy, M.A., University of Nevada, Las Vegas *Senior Fellow*

SALTMAN SENIOR FELLOWS

Hal Abramson, LL.M., Harvard Law School; J.D., Syracuse University College of Law, *Saltman Senior Scholar; Visiting Professor*

Lisa Blomgren Amsler, J.D., University of Connecticut School of Law, *Saltman Senior Scholar; Visiting Professor*

ADJUNCT FACULTY

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

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

Jeanette “Jae” Barrick, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

Stephen Bates, J.D., Harvard Law School Patrick Chapin, J.D., Capital University School of Law
The Honorable Richard Boulware, J.D., Columbia Law School
Patrick N. Chapin, J.D., Capital University Law School
Peter S. Christiansen, J.D., University of Wyoming College of Law
Sean Claggett, J.D., University of Nevada, Las Vegas William S. Boyd School of Law
Uri L. Clinton, J.D., Gonzaga University School of Law
Alissa Cooley, J.D., William S. Boyd 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
Seth Floyd, J.D., University of Nevada, Las Vegas 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 Garman, LL.M., McGeorge School of Law; J.D., University of LaVerne College of Law
Gregory Gemignani, J.D., University of Wisconsin Law School
Dean J. Gould, J.D., Wayne State University Law School
John R. Harney, J.D., University of Wisconsin Law School
Richard F. Jost, J.D., Syracuse University College of Law
Marc Kligman, J.D., Tulane Law School
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
Nancy Lemcke, J.D., Pepperdine University School of Law
Mark Lerner, J.D., American University Washington College of Law
Erin McMullen, J.D., California Western School of Law
Samuel P. McMullen, J.D., Georgetown University
Joanna M. Myers, J.D., University of Nevada, Las Vegas William S. Boyd School of Law
The Honorable Mike K. Nakagawa, J.D., University of California, Davis, School of Law
Stanford B. Owen, J.D., Stanford Law School
Susan M. Pitz, J.D., William S. Boyd 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 Sandino, J.D., Santa Clara University School of Law
David G. Schwartz, Ph.D. History, UCLA; B.A. and M.A., University of Pennsylvania

Fall 2020]

UNLV GAMING LAW JOURNAL

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

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

Cassie Stratford, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

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

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

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

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

GAMING LAW ADVISORY BOARD
2020-21

CHAIRMAN—PHYLLIS GILLAND—*Golden Entertainment*
STUART M. ALTMAN—*Las Vegas Sands Corp.*
MIKE ALONSO—*Alonso Law Limited*
PATRICIA BECKER—*Patricia Becker and Associates; Global Gaming Women*
BO BERNHARD—*UNLV International Gaming Institute*
PETER BERNHARD—*Kaempfer Crowell*
MICHAEL BRUNET—*Snow Covered Capital, LLC*
A.G. BURNETT—*McDonald Carano LLP*
BECKY HARRIS—*International Center for Gaming Regulation, UNLV*
ANTHONY CABOT—*William S. Boyd School of Law*
BECKY HARRIS—*International Center for Gaming Regulation, UNLV*
JACOB COIN—*San Manuel Band of Mission Indians*
BILL CURRAN—*Ballard Spahr LLP*
LOU DORN—*Monarch Casino & Resort, Inc.*
MARK DUNN—*Aristocrat Technologies*
KATIE FELLOWS—*Hard Rock Hotel & Casino Las Vegas*
P. GREGORY GIORDANO—*McDonald Carano LLP*
A.J. (BUD) HICKS—*McDonald Carano LLP*
TOM JINGOLI—*Konami Gaming*
TERRY JOHNSON—*Nevada Gaming Control Board*
BRIAN LARSON—*Boyd Gaming Corporation*
KATIE LEVER—*The Drew Las Vegas*
MARK LIPPARELLI—*Galaxy Gaming*
JOHN MCMANUS—*MGM Resorts International*
KEVIN MULLALLY—*Gaming Labs International, LLC*
MAREN PARRY—*Ballard Spahr LLP*
ANTHONY PEARL—*The Cosmopolitan of Las Vegas*
JEFFREY RODEFER
SCOTT SCHERER—*Holland & Hart*
FRANK SCHRECK—*Brownstein Hyatt Farber Schreck*
JEFFREY SILVER—*Dickinson Wright PLLC*
KEITH SMITH—*Boyd Gaming Corporation*
ELLEN WHITTEMORE—*Wynn Resorts*

UNLV GAMING LAW JOURNAL
EDITORIAL BOARD ADVISORY COMMITTEE
2020-21

J. KELLY DUNCAN
Jones Walker LLP

P. GREGORY GIORDANO
McDonald Carano LLP

JEFF IFRAH
Ifrah Law

KEITH MILLER
Drake University

KERRY PATTERSON
Procopio

DAN REASER
Fennemore Craig

JENNIFER ROBERTS
International Center for Gaming Regulation, UNLV

UNLV GAMING LAW JOURNAL
ALUMNI ADVISORY BOARD
2020–21

ARIANA REED
Editor-in-Chief, 2018–19

MICHAEL LINTON
Editor-in-Chief, 2017–18

ADAM ELLIS
Editor-in-Chief, 2016–17

ANDREW DUNNING
Articles Editor, 2014–15

ELIJAH TREDUP
Lead Articles Editor, 2015–16

ERIC WALTHER
Editor-in-Chief, 2013–14

ERICA OKERBERG
Editor-in-Chief, 2012–13

KERRY E. KLEIMAN
Editor-in-Chief, 2014–15

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

LEAD SPONSORS

KONAMI



ANDERSON
MŌRI &
TOMOTSUNE



GAMING COUNSEL
PROFESSIONAL CORPORATION

GT GreenbergTraurig

SUPPORTING SPONSORS

BOYD
GAMING

DICKINSON  WRIGHT^{PLLC}



Fox Rothschild LLP
ATTORNEYS AT LAW

Lewis Roca
ROTHGERBER CHRISTIE

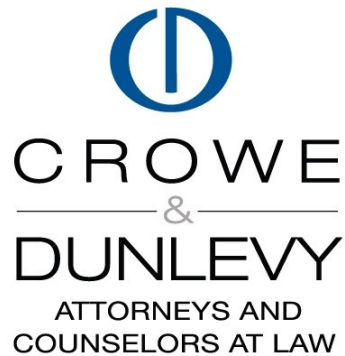
McDONALD  **CARANO**
YOUR NEVADA LAW FIRM SINCE 1949

**Nicholas Casiello, Jr. of Fox Rothschild
LLP**

BENEFACTORS

Anthony N. Cabot

 **Brownstein Hyatt
Farber Schreck**



**Michael D. Lipton, Q.C. of Dickinson
Wright**

PLANZER LAW



INDIVIDUAL BENEFACTORS

**Donna B. More & William Bogot of Fox
Rothschild LLP**

Fall 2020]

UNLV GAMING LAW JOURNAL

James Deutsch of



FENNEMORE CRAIG
ATTORNEYS

Sean McGuinness of

BUTLER | SNOW

P. Gregory Giordano

Lawrence G. Walters
of



The *UNLV Gaming Law Journal* would like to give special recognition to the Executive Committee of the Gaming Law Section of the State Bar of Nevada for its unwavering support throughout the years.



Jeffrey R. Rodefer – *Chairman*
P. Gregory Giordano – *Vice Chairman*
A.C. Ansani
Jaime K. Black
Michael R. Brunet
Lou Dorn
Gregory R. Gemignani
Erica L. Okerberg
Maren Parry
Jennifer Roberts
Karl F. Rutledge
Scott Scherer

PREFACE

While the year 2020 affected the gaming industry like never before, this sector has proven time and again that it has been able to creatively innovate in the face of adversity. This first Issue of Volume 11 of the *UNLV Gaming Law Journal* presents what is on the horizon for the gaming industry.

Gaming magnate Phil Ruffin begins this Issue with a reflection on his extraordinary career. Professor Ryan M. Rodenberg provides a thorough analysis on regulating sports gaming data. Professor Drew Thornley argues that the United States federal government should stay on the sidelines when it comes to sports wagering. Jackson Wong highlights employment issues in the rapidly growing market of eSports. Haley A. Hinton discusses fantasy sports betting insurance policies. Abigail K. Stanley talks through the challenges female workers have faced in the Nevada gaming industry. Lastly, Sam Bruketta gives a study on water use by Las Vegas casinos.

I would like to express my sincerest thanks to JerMara Watkins, the Managing Editor of the *Journal*, Cristiana Wilcoxon, the Lead Articles Editor of the *Journal*, all other board members, senior staff members, junior staff members, Dean Daniel W. Hamilton, Professor Anthony Cabot, and Professor John Valery White. Without their hard work, publishing the *UNLV Gaming Law Journal* would not be possible.

Casey Raymond Rosenberg
Editor-in-Chief