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: $60.00 per year. Foreign subscription rate: $70.00 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@unlvgaminglawjournal.org. Manuscripts accepted for publication must subsequently be submitted in Word format.

Unless otherwise noted, all articles are copyrighted © 2022 by the UNLV Gaming Law Journal.
UNLV GAMING LAW JOURNAL

Volume 12  Spring 2022  Number 2

ORAL HISTORIES

THE ORAL HISTORY OF BRIAN E. SANDOVAL
Brian E. Sandoval, former Governor of Nevada...............................173

THE ORAL HISTORY OF JOHN R. BAILEY
John R. Bailey, Board of Directors, Boyd Gaming Corporation.............181

ARTICLES

THE SHUFFLED DECK: NEVADA’S GAMBLING TREATMENT DIVERSION COURT AND FUTURE EXPANSION OF GAMBLING COURTS IN THE UNITED STATES
Scott J. Frederick & Cheryl B. Moss..................................................191

PROBLEM GAMBLING DIVERSION PROGRAMS: A REVIEW OF IMPLEMENTATIONS AND CHALLENGES
Frank Song..........................................................227

THE REVERSION OF CASINOS UNDER MACAU’S CONCESSION MODEL
António Lobo Vilela.........................................................239

NOTES

A “HISTORIC WESTSIDE” STORY: LAS VEGAS BLACK HISTORY, GAMING POLICY EFFECTS ON BLACK EMPLOYMENT, AND GAMING COMPANIES LEAVING MONEY ON THE TABLE
Sebastian O. Ross..............................................................287

WITH WHITE GLOVES: EMINENT DOMAIN IN THE GAMING INDUSTRY
Eric Beal..............................................................317
UNLV GAMING LAW JOURNAL [Vol. 12:2]

Staff Editors
KOICHI ATON ALEX BALLARD BRANDON BEAN MIKE BROOKS
SHAELYN DIETER AUSTIN DYKSTRA SARAH EThINGTON
BREANNA FRASER BROOKE HARRISON ALEX PERRON COOPER
RHODES SERENA RUEDAS ROEY SELLouk NICOLE WALSh
NICHOLAS WOLFRAM GADER WREN
William S. Boyd School of Law, UNLV
Faculty and Administration for 2021–22

ADMINISTRATION

Sara Gordon, Interim Dean; 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
Cameron Lue-Sang, Interim Assistant Dean of Admissions and Financial Aid
Jeanne Price, Associate Dean for Academic Affairs; Director of the Wiener-Rogers Law Library; Professor of Law
Rachel Santos, Executive Assistant to the Dean
Christine Smith, Associate Dean for Public Service, Compliance and Administration
Anne Traum, Associate Dean for Experiential Legal Education Program; Professor of Law
Brian Wall, Associate Dean for Student Affairs; 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
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, *Interim Dean; 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*

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, *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*

Sydney Lisy, J.D., Valparaiso University School of Law, *Director of the Academic Success Program; Assistant Professor in Residence*

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*

Dawn Nielsen, J.D., UNLV William S. Boyd School of Law, *Director of Externships; Assistant Professor in Residence*

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*

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, San Manuel Band of Mission Indians Professor of Law; Faculty Director, Indian Nations Gaming & Governance Program; Associate Director, Program on Race, Gender & Policing
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, Associate Dean for Experiential Legal Education; 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
Justice Michael Cherry, J.D., Washington University Law School, Distinguished Fellow
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
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. McAffee, 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 Shuben, 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

Justin Iverson, Research Librarian; Assistant Professor
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
Andy Tang, M.S., Rutgers, the State University of New Jersey, Systems and Technical Services Librarian

VISITING FACULTY

Szu-Ju Chang, J.D., Western Michigan University Thomas M. Cooley Law School, Visiting Assistant Professor
Steven Light, Ph.D., Northwestern University, 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; Visiting Professor
Kathryn Rand, J.D., University of Michigan, Visiting Professor
Monte Smith, J.D., The Ohio State University, Moritz College of Law, Visiting Professor
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

Harold 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

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

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

J. Scott Bovitz, J.D., Loyola Law School, Los Angeles

Patrick N. Chapin, J.D., Capital University Law School

Thomas Chittum, J.D., University of Nevada, Las Vegas William S. Boyd School 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., University of Nevada, Las Vegas William S. Boyd School of Law

The Honorable Christy Craig, J.D., California Western School of Law

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

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

Daron Dorsey, J.D., University of Nevada, Las Vegas William S. Boyd 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

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
Becky Harris, J.D., Brigham Young University, J. Reuben Clark Law School
Stan Hunterton, J.D., Syracuse University
Terry Johnson, J.D., University of Nevada, Las Vegas William S. Boyd School of Law
Marc Kligman, J.D., Tulane Law School
Kristin Gerdy Kyle, J.D., Brigham Young University, J. Reuben Clark 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
Katie Lever, LL.B., University of Windsor
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
David P. Schwartz, J.D., Brooklyn Law School
Howard Siegel, J.D., Syracuse University, College of Law
Charles Stanton, J.D., New York University, New York Law School
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
Laura Vlieg, J.D., William and Mary Law School
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
2021–22

CHAIRMAN—PHYLLIS GILLAND—Golden Entertainment
MIKE ALONSO—Alonso Law Limited
PATRICIA BECKER—Patricia Becker and Associates; Global Gaming Women
BO BERNHARD—UNLV International Gaming Institute
PETER BERNHARD—Kaempfer Crowell
JOE BERTOLONE—UNLV International Center for Gaming Regulation
JAN JONES BLACKHURST—UNLV International Gaming Institute
MICHAEL BRUNET—Snow Covered Capital, LLC
A.G. BURNETT—McDonald Carano LLP
ANTHONY CABOT—William S. Boyd School of Law
MARK CLAYTON—Greenberg Traurig
JACOB COIN—San Manuel Band of Mission Indians
BILL CURRAN—Ballard Spahr LLP
LOU DORN—Bally’s Corporation.
DARON DORSEY—Ainsworth Technology
MARK DUNN—Baha Mar
KATIE FELLOWS—JC Hospitality LLC
GREG GEMIGNANI—Dickinson Wright PLLC
P. GREGORY GIORDANO—McDonald Carano LLP
BECKY HARRIS - UNLV International Gaming Institute
A.J. (BUD) HICKS—McDonald Carano LLP
TOM JINGOLI—Konami Gaming
KATIE LEVER—Lottery.com
MARK LIPPARELLI—Galaxy Gaming
MARTIN LYCKA—Entain
JOHN McMANUS—MGM Resorts International
KEVIN MULLALLY—Gaming Labs International, LLC
DENNIS NEILANDER—Kaempfer Crowell
LUKE ORCHARD—IGT
MAREN PARRY—Ballard Spahr LLP
ANTHONY PEARL—The Cosmopolitan of Las Vegas
DAN REASER—Fennemore Craig, P.C.
JEFFREY RODEFER
UNLV GAMING LAW JOURNAL

KARL RUTLEDGE—Lewis Roca Rothgerber Christie
SCOTT SCHERER—Brownstein Hyatt Farber Schreck
FRANK SCHRECK—Brownstein Hyatt Farber Schreck
JEFFREY SILVER—Dickinson Wright PLLC
KEITH SMITH—Boyd Gaming Corporation
SYLVIA TISCARENO—William Hill
ELLEN WHITTEMORE—Wynn Resorts
UNLV Gaming Law Journal  
Editorial Board Advisory Committee  
2021–22  

Jacob Coin  
San Manuel Band of Mission Indians  

J. Kelly Duncan  
Jones Walker LLP  

P. Gregory Giordano  
McDonald Carano LLP  

Jeff Ifrah  
Ifrah Law  

Keith Miller  
Drake University  

Dan Reaser  
Fennemore Craig  

Jennifer Roberts  
WynnBET
UNLV Gaming Law Journal
Alumni Advisory Board
2021–22

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

Kerry E. Kleiman
Editor-in-Chief, 2014–15

Eric Walther
Editor-in-Chief, 2013–14

Erica Okerberg
Editor-in-Chief, 2012–13
The UNLV Gaming Law Journal would like to recognize the following sponsors for their generous contributions to the Journal.

**LEAD SPONSORS**

![KONAMI](image)

![Ifrah Law](image)

![LEWIS & ROCA](image)

![GAMING COUNSEL](image)
SUPPORTING SPONSORS

Nicholas Casiello, Jr. of Fox Rothschild LLP

Fox Rothschild LLP
ATTORNEYS AT LAW

ASENSI
ABOGADOS

GEVISSE LAW LLP

McDONALD CARANO
YOUR NEVADA LAW FIRM SINCE 1949

BOSE McKinney & EVANS LLP
ATTORNEYS AT LAW
BENEFACTORS

Poovey Law Firm, PLLC

BLANKROME

RMC
Regulatory Management Counselors, P.C.

Katie Lever
Mark Lipparelli
Anthony Cabot

INDIVIDUAL BENEFACTORS

Bo Bernhard
Tony Coles
Daron Dorsey
Michael D. Fabius
Mary Magnuson
Stephen Martino
Heidi Staudenmaier
Tammy Malvin
A special thanks to Jeff Rodefer for his continued support.
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
Erica L. Okerberg
Maren Parry
Jennifer Roberts
Karl F. Rutledge
Scott Scherer
Robert B. Ziems