

Gaming Law Career Opportunities for Law Students

Anthony N. Cabot, Karl F. Rutledge, Glenn J. Light, and P. Gregory Giordano

HAVING A CAREER IN GAMING LAW was once determined more by simple twists of fate rather than a defined plan. For most of us, it just happened. One author, Anthony Cabot, is typical of how many lawyers began practicing gambling law. No gaming law classes existed at Arizona State University in 1978, when he entered law school. In fact, the notion of gaming law as a topic or a professional pursuit was never mentioned during his law studies. As fate would have it, the young law student was seeking to practice his interviewing skills in hopes of landing a position with a Phoenix law firm. Opportunities at Phoenix law firms were limited, so Cabot's best option was to accept an interview with a Las Vegas firm. The practice interview resulted in a summer job offer with the opportunity to spend some time in Las Vegas. Even at this point, the idea of a gaming career never crossed Cabot's mind. It became an interest only because two of the industry's leading gaming practitioners, Grant Sawyer and Bob Faiss, were lawyers at the firm.

However, gaming law was then a much different discipline than its current evolution. At that time, gaming law was both localized and learned on the

job. No college classes existed, gaming law conferences were rare, and there were no professional organizations. Back then, only Nevada and New Jersey had land-based casinos, and the legal practice was distinct between the two states. Therefore, a Nevada attorney practiced almost exclusively in Nevada. While an attorney's representation involved several areas, such as regulatory changes, patron disputes, disciplinary hearings, and various transactional approvals, the main focus of outside counsel was on gaming licensing. Lawyering skills centered on understanding the criteria for licensing, establishing a trusted working relationship with the regulators and investigative agents, assisting the client in the application process, and representing the client in licensing hearings.

At that time, only four distinct groups had significant exposure to gaming law. The first were the literal handful of private attorneys that represented casinos before gaming regulators.

The second group was the regulators tasked with licensing applicants, adopting and enforcing the regulations, and presiding over disciplinary actions and patron disputes. As noted, licensing was the paramount responsibility. Through this process, regulators try to screen out persons who can harm the jurisdiction's primary industry. Persons who can do direct harm are those who skim funds without paying taxes, are likely to cheat patrons, or are so incompetent that the state will lose tax revenues because of employee theft, patron theft, or poor management. Assuring the honesty of the games is important, because the public must perceive that gambling is honest before they will gamble. If one operator cheats, patrons may either believe the entire industry is dishonest, or not risk gambling if they are unsure the operator they frequent is honest. Here, regulators attempt the difficult task of assessing the prior behavior of the applicant in an attempt to predict whether he poses a threat to the gaming industry.

Anthony N. Cabot is the chair of the Gaming Law Practice Group at Lewis and Roca, which has offices in Las Vegas, Phoenix, Tucson, Albuquerque, and Silicon Valley. He has practiced in the field of gaming law for 25 years. Mr. Cabot is a past president of the International Masters of Gaming Law, past president of the Nevada Gaming Attorneys Association, and past general counsel to the International Association of Gaming Attorneys.

Karl F. Rutledge is an associate in the Gaming Law Practice Group at the Las Vegas office of Lewis and Roca. Prior to joining the firm, Mr. Rutledge was a judicial law clerk to the Honorable James A. Rice of the Montana Supreme Court.

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The third group was the public attorneys, often under the employment of the state attorney general, who serve as advisors to the regulators. Since its beginning, gaming control has been a complex system of interrelated written laws and regulations that govern the activities of licensed persons and the conduct of gaming. These laws and regulations may number several hundred pages long. As with any laws, questions of legal application and interpretation arise and the advice of the public attorneys is sought. In addition, where the regulators have rule-making authority, public attorneys often have the responsibility of drafting these regulations. Both drafting and interpretation require the regulators to have access to legal assistance.

Legal assistance from public attorneys to the regulators can come from either staff attorneys or from another branch of government. For example, in Nevada, all legal assistance required by the State Gaming Control Board is provided by the Office of the Attorney General, an independent executive branch of state government. As an alternative, legal assistance may be provided by an attorney hired by the regulatory agency.

The fourth group was the in-house counsel for the casinos. In the early 1980s, casinos rarely had more than one in-house counsel, and often relied solely on outside counsel. Today, casino companies often have multiple in-house counsels. A general counsel has general oversight responsibilities to manage the company's internal and external legal environment, manage business strategies and operations to assure that they do not violate any laws, identify when and where legal counsel is needed, and provide legal advice or hire and manage outside counsel to represent the company. Casino companies now often have other specialized corporate counsel in areas such as intellectual property, real estate, or employment law.

In the early 1980s, one can comfortably state that all the active casino attorneys in the United States could have met for breakfast at a typical pancake house. However, this all began to change, as gaming laws and regulations became more sophisticated. The first advancement was the imposition of much more developed minimum internal controls. Internal controls are procedures that the casino must follow or implement to help protect and account for its assets. You can look at internal controls as a method of checks and balances that help insure that no one person can abscond with money undetected. There are three principal types of internal controls: access,

documentation, and personnel. Access controls are physical safeguards, such as metal detectors, surveillance cameras, and lock-and-key devices. For example, these controls ensure that only persons with a legitimate need have access to sensitive places, such as the casino cage, the insides of slot machines, and the rooms where cash and coins are counted.

Documentation controls require casino employees to make physical records of all transactions where it is practicable to do so. For example, suppose a table game was running short on chips. The cage would send a chip runner to bring the table more chips. To insure that the same amount of chips both leave the cage and make it into the table's rack, records must be created both at the cage and the table. At the cage, the cage cashier must count out the chips and place them into racks for transport. The cage runner must verify the number of chips and both the cashier and the runner must sign a transaction slip. The cage cashier maintains a copy as proof so that she can balance her accounts at the end of her shift. Likewise, a transaction report is made at the table when the dealer counts the chips and puts them in his rack. Both the runner and the dealer sign this transaction slip. The dealer puts a copy in the drop box. From there, the count team separates the slips from the cash and sends them to internal audit, which in turn reconciles the transaction reports from the cage and the table to ensure that they are consistent.

Personnel controls are, in essence, persons watching other persons. For example, in the casino pit, the casino manager, the shift manager, the pit boss, or a floor supervisor can watch or approve any given transaction. However, the higher the transaction, the more senior employees must be involved. For example, while a pit boss can comp a player to dinner, large credit lines must be approved by at least three high-ranking casino employees. Moreover, the ever-present surveillance system monitors transactions wherever they occur. Certain procedures can assist proper observation.

The increased emphasis on internal controls brought additional complexity to gaming regulation and mandated a greater interaction between gaming attorneys—both outside counsel and in-house counsel—with the casino's accounting department and external auditors. It also led to greater attorney involvement with enforcement actions based on accounting violations and gaming tax audits.

Simultaneous with the expansion of accounting regulations was an increased emphasis on technical regulations regarding gaming devices and equipment used in conjunction with gaming devices or generally within the casino environment, including cashless wagering systems, mobile gaming devices, player tracking systems, and automatic shufflers. This was a significant and rapid evolution from the earlier days of gaming, where the electronics on the casino floor were limited to rudimentary slot machines that did not require specialized expertise to understand or regulate. The technology revolution, however, changed the casino floor and mandated increasing reliance on technical review and regulation of gaming devices and associated equipment, including software, hardware, and the systems of communications between the various devices.

Regulations governing accounting and equipment increased exponentially along with other areas, and casinos began to focus internally on regulatory compliance. A compliance program is an internal program adopted by a casino company to assure compliance with all laws and regulations. For casino companies, the program has a particular emphasis on gaming laws, regulations, and general regulatory policies. Successful compliance plans embody the commitment of the company to regulatory and legal compliance and focus on preventing regulatory violations before they occur. They identify areas of concern that might adversely effect the good reputation of the licensee. They minimize the risk of being the subject of criminal or regulatory action, and maintain the reputation of the company in the public markets. In the unfortunate circumstances where a company is faced with criminal or regulatory problems, demonstration of an existing compliance program and a commitment to that plan can serve as a mitigating circumstance.

For all this to work properly, the company often needs to create and delegate clear authority for each casino department within the compliance structure, including a compliance officer. The compliance officer is responsible for overseeing the implementation and administration of the company's compliance programs and internal reporting system. She will interact with the company's management to determine situations requiring reporting under the internal reporting system and review by the compliance committee. She will conduct and coordinate mandatory background investigations of all

areas requiring review by the compliance plan; this includes prospective management and key employee hiring, review of suppliers and vendors, and material litigation and transactions. She will coordinate investigations of business practices that may constitute an unsuitable method of operation, employee-reported violations, criminal investigations of or involving the company or management, and the like. She also will document all activities and prepare all reports for the compliance committee as required by the compliance plan, or otherwise help in the compliance process.

The compliance officer must have a proper background. She must be familiar with the laws that govern the casino operation and understand the expectations of the gaming regulators regarding the proper conduct of a casino licensee. She must have knowledge of the company's structure, including the functions of parent, affiliate, and subsidiary companies and the administrative skills to coordinate compliance across the various company departments. She must have the ability to conduct employee training, document all compliance activities and functions, and coordinate internal investigations.

Beyond the growing complexity of gaming law and regulations, casino gaming itself began to proliferate across the United States. On a state level, South Dakota approved low-stakes gambling in the City of Deadwood. Other states soon followed. Today, 21 states have commercial casinos that take in more than \$34 billion in revenue.

Just as significant, 456 tribal casinos operate in 28 states. This expansion was the result of many court battles, culminating in a final fight before the U.S. Supreme Court in 1987. At issue in *California v. Cabazon Band of Mission Indians*¹ was California's attempt to prohibit the Cabazon from conducting high-stakes bingo games on their reservations. California argued that the state law prohibiting non-charitable bingo should apply to the tribe. The court disagreed, concluding that states could not prohibit tribes from offering forms of gaming that were not prohibited under state law. If the state allowed charitable bingo, then the tribes could offer high-stakes bingo. Conversely, if the state prohibited bingo the tribes could not offer bingo on the reservation. The court stated, "... the

¹480 U.S. 202 (1987).

state's interest in preventing the infiltration of the tribal bingo enterprises by organized crime does not justify state regulation of the tribal bingo enterprise...State regulation would impermissibly infringe on tribal government."²

As a result of this landmark Supreme Court decision, in 1988 Congress adopted the Indian Gaming Regulatory Act, or IGRA for short. Under IGRA, tribes can operate bingo-type games even if state law specifically prohibits non-Native Americans from operating the same games off the reservation. In certain circumstances, it also allowed tribes to negotiate agreements with the state governments to open full casinos.

The large-scale proliferation of gaming created both a significant number of jobs in the previously mentioned gaming-related fields, but also additional categories of gaming law-related careers. Two are of special note. The first is the tribal gaming attorney. Tribal gaming attorneys differ from commercial gaming attorneys because their practice is a combination of legal and regulatory advice and tribal-state politics. Vendor licensing and regulatory procedures with respect to any Indian gaming transaction depend a great deal on the broad terms of the tribal-state compact and the licensing standards of the individual tribe.

The second is the lawyer lobbyist. These individuals combine the skills needed to influence legislation on behalf of casino companies on both a state and federal level. Gaming lobbyists are often lawyers because the job requires knowledge of the legislative process and of how changes in gaming legislation may impact their employer or client's casino business.

The remainder of this article is a series of case studies of individuals that have positions in gaming law in each of the above-mentioned categories: outside counsel, regulators, gaming control agents, public attorneys, in-house counsel, compliance officers, Native American gaming attorneys, and lobbyists/government relations.

OUTSIDE COUNSEL

Karl Rutledge: Associate at Lewis and Roca

Karl Rutledge always knew he wanted to become a lawyer, but he didn't know what area he wanted to practice. It was as a law student, when he met Anthony Cabot, the foremost expert in Internet

gaming, that he realized his interest in gaming law.

Before attending law school, Rutledge worked as a rodeo bullfighter. He protected fallen riders from the bull by serving as an alternative target for the bull to attack. After many close-calls and visits to the hospital, he decided it was time for him to pursue his lifelong dream of becoming a lawyer. In 2006, received his J.D. from the University of Nevada, Las Vegas, William S. Boyd School of Law.

In 2007, after serving his clerkship under the Honorable James A. Rice of the Montana Supreme Court, Rutledge joined Lewis and Roca's Las Vegas office—at the hub of the firm's gaming practice. As outside counsel, he represents a variety of major clients in both the public and private sectors, with a focus on members of gaming industries—specifically Internet gaming, sweepstakes, contests, and pari-mutuel wagering.

He helps his clients navigate this specialized area by ensuring they operate their business within the industry's complex legal boundaries. He structures business models involving skill-based gaming Web sites, subscription poker sites, and promotional sweepstakes. In addition, he drafts terms and conditions and compliance policies for these and other types of Web sites.

Most of Rutledge's clients operate in a relatively new and constantly changing sector of the gaming field. His job is to make sure they understand the risks, and then he works with them to minimize those risks as much as possible. "The goal is adequate preparation to avoid legal problems," he said.

Rutledge, who has four years of experience under his belt, is still learning all the nuances of gaming law. "Practicing gaming law is definitely learned as you go," he said. "My education gave me a solid platform to build on, but I credit the gaming partners at Lewis and Roca for my development. I'm really lucky to work under the tutelage of several of the leaders in the gaming profession, including Tony Cabot," he said.

What Rutledge likes most is that Internet gaming is new and evolving. "The work is exciting and challenging," he said. "Clients are continually pushing the envelope with respect to their proposed

²*Id.* at 221–222.

promotions and games, as well as the technology they use to disseminate their products.”

When analyzing the legality of his clients’ gaming concepts, he often discovers that many laws desperately need to be revised to fit with the changing landscape of Internet gaming. In certain instances, he and other gaming attorneys at the firm actively work to bring these laws into the twenty-first century. He also maintains an open dialogue with gaming regulators—with the goal of advancing his clients’ interests while helping regulators maintain the integrity of the gaming industry.

Moving forward, Rutledge is excited about gaming law becoming even more widespread. “The Internet has quickly become the most efficient medium for operators to disseminate their gaming services,” he said. “With the legalization of Internet gaming on the horizon, a whole new set of opportunities and regulatory hurdles will arise.”

While Rutledge chose gaming law as his niche, he recommends that aspiring lawyers ultimately focus on an area of law they genuinely enjoy. “You will be a better practitioner and happier person because of it,” he said.

GAMING REGULATOR

Jack P. Ketterer: Iowa Racing and Gaming Commission

A career in gaming law can be both challenging and rewarding, but it’s the stability that keeps Jack Ketterer, an administrator at the Iowa Racing and Gaming Commission, happy.

Ketterer began his career as Director of Security and Investigations with the Nebraska Racing Commission. His interest in the sport of thoroughbred racing enabled him to pursue his passion and move forward in his career. When Iowa passed a pari-mutuel wagering bill, he became the first director of the Iowa Racing Commission. After a stint in the private sector, he returned to take an administrator position in 1993.

As an administrator, Ketterer is responsible for the day-to-day operations of the racing and gaming commission. He and his staff grant licenses for race-track, riverboat, and land-based casinos. They also issue occupational licenses to employees and participants in the casino and racing industries. In addition, his staff must ensure compliance with the

administrative rules of the commission and the Code of Iowa.

Ketterer finds balance in the “conflicts and resolutions” of his daily routine. “This involves listening to the accused, focusing on the facts and the law, and arriving at an ultimate outcome that is fair and consistent with established precedent,” he said.

Understanding gaming law was crucial to his success as an Iowa Racing and Gaming Commission administrator because of the extensive list of owners, jockeys, racinos, casinos, and occupational licenses the commission regulates. “Every year, we have dozens of appeal hearings on rulings about violations of rules and laws,” Ketterer said. “Rarely does a legislative session pass that doesn’t consider several bills related to gaming. Legislators seek our input on all of them.”

A course in legislation while in law school helped Ketterer apply the fundamentals of statutory construction. Applying different fact situations arising in the industry to the commission’s rules and laws enables him to determine compliance. “Candidates for this kind of position, in order to get some history and perspective, should study the law in a jurisdiction by reading statutes and speaking to legislators and/or lobbyists who regularly are active in gaming legislation,” Ketterer said.

The challenges faced in a career as a racing and gaming agent are many. But Ketterer believes the rewards to be far greater. The saying, “Those who possess the most power are the ones who seldom use it,” reminds and inspires him to be objective in every case.

In addition, he finds satisfaction in the number and quality of jobs created by the industry. When granting gaming licenses, Ketterer and his team take into account the positive economic impact the enterprise will have on the local community. The tax revenue generated for the states has created tangible benefits, while the non-profit feature of the gaming licenses benefits the community through grant distribution.

He also appreciates the stability of his chosen profession. “Generally speaking, in good times, you will not do as well as your private sector counterparts in terms of bonuses, stock options, expense accounts, and other perks,” Ketterer said. “In tough times, you will appreciate that you have a job, when the aforementioned may lose theirs.”

For those interested in a legal career in gaming, Ketterer’s advice is simple. “Just get your law

degree,” he said. “A law degree gives you more versatility and flexibility than any other advanced degree. If gaming was suddenly abolished, you would have skills, experience, background and education that would transfer to fields closely related to gaming—making a transition nearly seamless.”

Because the industry is quickly evolving as the online market grows, Ketterer thinks a career in gaming is one with a strong future.

GAMING AGENT

A.G. Burnett: Ex-Deputy Chief, Corporate Securities Division

The ever-changing landscape of gaming law can be daunting to some, but A.G. Burnett, a member of the Nevada State Gaming Control Board, enjoys the challenges that come with the job.

Burnett was appointed to the State Gaming Control Board in January 2011, thanks to his success in several other positions in gaming law. His career path includes four years as the Senior Deputy Attorney General in the Gaming Division of the Nevada Attorney General’s Office. On behalf of the State Gaming Control Board, he handled litigation matters, including disciplinary actions, tax hearings, and disputed licensing matters. He also drafted several gaming regulations, and advised both the State Gaming Control Board and Nevada Gaming Commission on legal matters and strategy.

Taking his experiences from the Attorney General’s Office, Burnett became the Deputy Chief of the then-Corporate Securities Division for the State Gaming Control Board. There, he investigated and processed state gaming applications filed by publicly traded corporations. He also headed up the State Gaming Control Board’s Bankruptcy Group, an internal task force designed to meet the demands of immediate licensure and suitability requirements during the restructuring of gaming entities.

Burnett also managed the compliance activities conducted by the Corporate Securities Division. In particular, he oversaw the State Gaming Control Board’s regulation of the compliance activities of publicly traded Nevada licensees. In doing so, he assisted in drafting and revising all gaming compliance plans and audit procedures.

As Deputy Chief, Burnett was constantly confronted with situations that required him to interpret

the Nevada Revised Statutes and Regulations. “Every day we had a phone call from a gaming attorney or from company counsel that gave us a fact pattern requiring analysis and conclusion,” Burnett said.

What Burnett learned in law school has helped him throughout his career. “When I attended law school, there was no such thing as a ‘gaming law’ class that I could take, least of all one focused on Nevada gaming law,” Burnett said. “That said, there are many things I learned in law school that apply to my day-to-day work, ranging from statutory construction and analysis to constitutional law and criminal law.” Burnett received his J.D. from Gonzaga University School of Law in 1996. He said that courses in agency and partnership, corporate law, and civil procedure proved most beneficial to his gaming law career.

Even though Burnett has worked in the gaming industry for over a decade, new situations confront him every day that require him to take a critical, analytical approach in order to solve the issue at hand. “I have learned both from experience and from those who have been around longer and know more than me,” he said. “One part of gaming law knowledge, in my opinion, is experience-driven; certain fact patterns tend to repeat themselves.”

Burnett also believes that the future of gaming law is constantly evolving to adapt to the current trends in gaming. “The drivers of gaming law evolution will be technology and financial regulation,” he said. “New laws and regulations will be developed to deal with emerging issues and some laws and regulations will be changed or abandoned because the risk area they dealt with is no longer relevant.”

What keeps Burnett’s job exciting and challenging are all the new projects that need solving. He has never been bored and still believes that gaming law is fun, exciting, and stimulating. Key to his success has been the people he works with and the goals he strives to achieve as an advocate for the state. “I think we go to work every day with the intent of helping the state and its most important industry, and in being well-regulated and well-respected,” Burnett said. “That is perhaps the greatest reward.”

His best advice for those interested in pursuing a legal career in gaming is “listen to those who have come before you and continue to ask ‘why.’”

ATTORNEY GENERAL'S OFFICE

*Edward L. Magaw: Deputy Attorney General,
Gaming Division of the Nevada Attorney General's
Office*

Serving as Deputy Attorney General in the Gaming Division of the Nevada Attorney General's Office has always been a calling for Edward L. Magaw, who is legal counsel to the Nevada State Gaming Control Board.

It was in high school that Magaw first became interested in working for Nevada's gaming control board. "I had seen a news report on the mob in Las Vegas and its influence in the gaming industry around that time," he said. "Something about the efforts taken by the Board to rid the industry of that influence captivated me and stuck in my mind."

From that moment, nearly every education and career decision Magaw made was motivated by eventually going to work for the Board. While attending the University of Nevada, Las Vegas, where he received his B.S. in Business Administration, he learned that the Board often hired people with accounting degrees. "At that point I knew what I wanted to do for a living and later when I applied for the Board, I got hired," Magaw said.

He started as an agent then moved up to become a senior agent. During his 11 years there, Magaw became knowledgeable about the overall regulation of gaming in Nevada, particularly in the areas of revenue reporting and internal controls. To complement these areas of interest, he became a certified public accountant. It was during this time that Magaw first became interested in the idea of becoming counsel for the Board.

While still working at the Board Magaw attended law school at the University of Nevada's William S. Boyd School of Law in the evenings on a part-time basis, where he graduated cum laude. "My interest in working in the Attorney General's Office continued to grow as I learned more about the role the office performed," he said.

In August 2005, he joined the Litigation Division of the Nevada Attorney General's Office. From there, he transferred to the Gaming Division, where he assumed his current role—fulfilling his ambition of serving as counsel to the Board. Magaw handles litigation and administrative matters and assists staff members with day-to-day legal issues.

His position largely focuses on interpreting and applying gaming law. "I rely primarily on the Gaming Control Act and the Nevada Gaming Commission Regulations as the basis for the opinions and guidance I provide to the Board and its staff members," Magaw said.

Magaw still leverages what he learned in law school, including the research and writing skills and the background on administrative law and trial advocacy. His gaming law classes helped show Magaw the overall regulatory framework within which the Board operates, and gave him a better understanding of how an administrative body functions.

Quite often, Magaw is faced with unique problems or issues, and it is his job to figure out how to address them. "The gaming industry is anything but stagnant; there is always something new coming out that has not been done before," he said. "The challenge is to determine how these things fit within existing gaming law, or if they fit at all."

For Magaw, it's the challenges that make the job interesting. "This position gives you the chance to be right on the forefront of gaming issues and breaking trends," he said. "In addition, you get to work for the most respected gaming control body in the world."

Magaw added: "I can't imagine working in any other area of law but gaming. It has been and will always be a huge part of my life."

IN-HOUSE COUNSEL

*Phyllis Gilland: Vice President, General Counsel,
Secretary, and Corporate Compliance Officer,
American Casino and Entertainment Properties*

*Lou Dorn: Vice President and General Counsel for
the Las Vegas Hilton/Colony Resorts Acquisitions
LVH, LLC*

As the in-house attorney for American Casino and Entertainment Properties (ACEP), Phyllis Gilland enjoys an exciting career in a dynamic industry. She manages the legal issues for the company's four gaming and entertainment properties in Clark County, Nevada—which means her days are never dull.

Gilland graduated from Allegheny College in 1980 with an undergraduate degree in Political

Science. She continued her education at Drake University Law School and received her J.D. in 1983. After law school, Gilland held positions with Resolution Trust Corporation, KPMG, Principal Financial Group, Principal International Inc., and Taylor Construction Group Companies, until she assumed her current position as ACEP's Vice President, General Counsel, and Secretary. She is also the company's Corporate Compliance Officer.

Lou Dorn is Vice President and General Counsel for Colony Resorts Acquisitions LVH, LLC, which owns the Las Vegas Hilton in Las Vegas. In this role, Lou oversees all legal matters relating to the property, which includes the drafting and approval of every contract executed by the company, resolving and managing all personal injury, contractual, and employment-related claims and litigation, maintaining all federal, state, and local business, liquor, and gaming licenses, reviewing and drafting all tenant and franchise agreements, managing all trademark and copyright-related matters, overseeing the property's internal audit functions, reviewing and editing all public filings with the SEC, serving as a member of the company's 401(K) Administrative Committee and Compliance Committee, as well as the company's Compliance Officer, and directing and supervising all of the company's outside legal counsel. In this role, Lou also supervises the risk management department of the Las Vegas Hilton, which includes reviewing and evaluating all guest liability claims, significant workers' compensation claims, safety policies, and insurance contracts.

Dorn graduated from the University of Nevada-Reno in 1990, with an undergraduate Bachelor of Arts degree in advertising, and then earned a law degree from the Lewis and Clark Northwestern School of Law in 1994, with a Certificate in Environmental and Natural Resources Law. After graduating from law school, Lou became a Deputy Attorney General in Nevada in July 1995, first representing the Nevada Department of Taxation and then, in November 1996, the Nevada Department of Transportation. Finally, in June 1999, Lou joined the Gaming Division of the Attorney General's Office and provided legal representation to the Nevada State Gaming Control Board and the Nevada Gaming Commission.

In April 2000, Lou became the client when he joined the State Gaming Control Board as Chief of its then-Corporate Securities Division, where he was responsible for the overall administration and

supervision of the operations of the Division, which investigates and monitors publicly traded companies with gaming operations in Nevada. Lou left that position in May 2003 for the private practice of law to join the Las Vegas office of Snell & Wilmer, LLP, where he practiced gaming, corporate and transactional law for a year. In May 2004, Lou joined Colony Resorts LVH Acquisitions, LLC, the owner and operator of the Las Vegas Hilton, as Vice President and General Counsel.

In her position with ACEP, Gilland wears many hats. She handles regulatory and legal gaming compliance issues, oversees corporate legal matters, and manages the retail, risk management, human resources, and compliance investigation departments.

Gilland has had the opportunity to develop and implement legal strategies in the areas of regulatory and business compliance, corporate governance, claim management, real estate matters, risk management, human resources, security and surveillance, and mergers and acquisitions. She also has experience overseeing other key departments, such as sales, marketing, and finance.

She attributes her success in her current role to her legal education and previous work experience. "When starting out, my legal education got me a position in the financial industry, which has helped my general counsel skills by having a business focus as well as a legal focus," Gilland said. "I also have a regulatory background. I did tax at KPMG and insurance regulation at Principal Financial Group, so regulatory issues were not foreign to me when starting my role at ACEP."

Despite her years of experience, Gilland is still confronted with new challenges on a daily basis. "Technology is developing so fast and has had a significant impact on what we do," she said. "For example, personally identifiable information (PII) was not an issue two years ago. But with the emergence of handheld gaming devices that utilize PII, we now have to determine how best to use and protect PII in conjunction with a variety of rules from different jurisdictions."

Gilland believes that those interested in a career in the gaming industry shouldn't feel limited to one area of gaming law. "There are many opportunities to get inside the business," she said. "For instance, a lawyer can practice in human resources, risk management, or corporate governance. There are options."

Dorn couldn't agree more with Gilland on this point and says that his advice is similar for young attorneys interested in a career in the gaming industry. In Dorn's view, young attorneys should "become very well rounded in a lot of other areas other than gaming law first. For example, get a good handle on contract law, UCC law, general commercial transactions, corporate governance, etc.—learn a broader base of law first and then narrow yourself down into gaming." Nevertheless, Dorn's knowledge of Nevada gaming law "is pretty critical" to his job. "I apply it everyday and pretty much everything we do has to essentially in one way or another comply with Nevada gaming statutes and regulations...almost anything you do can impact gaming regulations. I feel like I'm the gaming law police for the company. I am constantly applying Nevada gaming law to everything I do."

IN-HOUSE: REGULATORY AFFAIRS

Daurean Sloan: Vice President of Regulatory Affairs for WMS Gaming Inc.

In-house gaming regulation is a field that Daurean Sloan moved into through the natural progression of her career. She is currently Vice President of Regulatory Affairs for WMS Gaming Inc. (WMS), a leading designer, manufacturer, and distributor of licensed gaming devices and equipment with customers in more than 300 jurisdictions across the globe.

Sloan graduated from the Simon Fraser University in Burnaby in 1979, with a B.S. in Criminology and Psychology. Upon graduating, she became a Peace Officer with the Royal Canadian Mounted Police, where she served for six years until enrolling in the University of Wyoming's law school. She began her career as a corporate attorney in private practice at law firms in Las Vegas.

In December 1995, Sloan joined the Nevada State Gaming Control Board as Deputy Chief of the then-Corporate Securities Division, a division of specially trained personnel who investigate, monitor, regulate, and process state gaming applications filed by publicly traded corporations. She finished her term with the Board and then moved back into the private sector for a year.

Sloan joined WMS in May 2001 and held positions of increasing responsibility, moving from

Assistant General Counsel to Executive Director of Regulatory Compliance to her current position. As Vice President of Regulatory Affairs, she oversees the Regulatory Compliance Department, which handles gaming compliance, gaming licensing, and regulatory affairs.

From a compliance perspective, Sloan oversees shipping the gaming devices and equipment to jurisdictions worldwide, vetting new markets, conducting due diligence, and fielding daily compliance questions from employees and regulators. "Part of what I do is to assess and mitigate the company's risk relative to regulatory compliance matters," she said. "My responsibilities also include providing guidance to our business and commercial leaders as they explore and negotiate new business opportunities," she said.

In the licensing function, she is responsible for licensing WMS entities and employees worldwide. Lastly, in regulatory affairs Sloan responds to gaming law and general regulatory matters. "This role involves keeping abreast of how gaming is changing throughout the world and educating our employees on developments that could impact the company," she said.

Sloan's previous work experience contributed to her current knowledge of gaming law. Her career as a peace officer enabled her to have an understanding of regulatory and legal frameworks in general, while her legal training allowed her to expand, challenge, and interpret her understanding of the law.

"Having served at the Corporate Securities Division of the Nevada State Gaming Control Board, I worked many investigations, dealt with policy issues, researched a variety of novel issues, and in many instances, served as the in-house de facto gaming attorney," Sloan said. She also learned what regulators were expecting, thanks to her experience in private practice.

Through her work, Sloan gets regular glimpses into the future of gaming law. "Domestically, we are seeing leading jurisdictions like Nevada and New Jersey reevaluate their processes and procedures in an effort to become more business-attuned," she said. "They are looking at what can be made more efficient to assist businesses operating in their regulatory confines, while preserving the integrity of the industry." As a result of foreign jurisdictions considering and adopting more comprehensive regulatory frameworks, Sloan monitors

these changes to ensure WMS continues to be a model company.

Exciting is just one of the words Sloan uses to describe her career in the gaming industry. “It’s fun and very engaging,” she said. “There is never a dull moment. Gaming dynamics are constantly changing, and every day is different.”

“For anyone interested in working in an ever-changing area of law that evolves with a variety of external influences, the gaming industry is something to explore further,” she said.

TRIBAL ATTORNEY

Kerry Patterson: Of Counsel at Lewis and Roca

Building an Indian casino is a massive undertaking. But Kerry Patterson, a tribal attorney focusing on real estate at Lewis and Roca, takes pride in playing her part. In deals like these, her role is to provide real estate expertise and interface with tribe members to create a winning situation for everybody involved.

“From a legal perspective, so much goes into preparing land for a casino development,” she said. “I’m involved in all real estate-related issues—things like infrastructure, due diligence, easements, encumbrances, access, among other things.”

Recently, Patterson helped close a real estate deal that gave the Navajo Nation a green light to build Twin Arrows Casino—a \$120 million gaming facility, golf course, and resort on 405 acres 20 miles east of Flagstaff, Arizona. The development is expected to create nearly 1,800 jobs for members of the Navajo Nation.

The biggest hurdle was placing the land into trust. “It’s very difficult to get land placed into trust for tribes,” she said. “At best, it can take years; at worst, it never happens.” Thanks to the Navajo-Hopi Settlement Act and competent legal counsel, Patterson and other professionals on the team helped the Navajo Nation overcome that obstacle in just one year—a truly remarkable feat.

As an enrolled member of the Seneca Nation of Indians, Patterson always wanted to do something with her life that would help the Indian community. “My background helps me empathize with the issues faced by tribal people,” she said. Long before a career in law entered her mind, Patterson worked for the Seneca Nation for six

years, giving her a true insider’s perspective on what tribal leaders value and how they want to be treated.

“I’ve worked on both sides of projects involving tribal lands and people,” she said. “Early in my career, I represented the tribes. Then I had an opportunity to work on deals where I represented the other party to a transaction involving Indian land. After that, I realized that I was in a special position to create a win-win situation for both sides, even if I didn’t represent the tribes directly.”

Being involved in deals like Twin Arrows makes Patterson feel like she’s making a real difference in the daily lives of native people. “Indian gaming has done amazing things for tribes in Arizona and around the country,” she said. “The impact of casinos on education, jobs, and healthcare has been especially profound.”

Patterson grew up on the Cattaraugus reservation located about 20 miles south of Buffalo, New York, which at that time didn’t have gaming to help stimulate job growth or provide educational opportunities. After graduating from high school, Patterson, while working for the Seneca Nation, took a few college courses. Earning good grades helped motivate her to keep going, and in 1997 she earned her bachelor’s degree from the State University of New York at Fredonia.

Patterson had always aspired to become an attorney but never believed she could afford it. She applied to three law schools—Arizona State University, University of New Mexico, and Cornell—and was accepted to all three. Patterson chose ASU because of the school’s distinguished Indian Legal Program and the great financial aid package. “I was also excited about the opportunity to attend law school with a class of students similar to myself,” she said.

These days, Patterson says her greatest challenge is time. “There are not enough hours in the day to do everything I want to do, which can be frustrating,” she said. “Plus, some projects can take a really long time to come to a close, and I’m not a patient person.” Patterson said she’s been waiting three months for the results of a simple survey of a 4-acre parcel that was supposed to take two weeks.

She’s not complaining though; instead, she feels lucky. “I’m so fortunate that I get to wake up every morning and do work that helps Indian people,” she said. “It is what I always wanted to do, and I love it.”

LOBBYIST

David Satz: Vice President of Government Relations and Development for Caesars Entertainment Corporation

The excitement of developing new gaming jurisdictions and working with governmental officials to update gaming regulations is why David Satz, Vice President of Government Relations and Development for Caesars Entertainment Corporation, finds his job so fulfilling. One of the most rewarding parts is seeing the economic impact these gaming developments have on local communities.

In his position, Satz is responsible for overseeing the company's government activities for more than 50 gaming properties in 12 states and several countries where the company does business under the Caesars, Harrah's, Horseshoe, Showboat, Rio, Bally's, Grand, Paris, Flamingo, Harvey's, and London Clubs brand names.

Satz is an ardent advocate for the continued growth and expansion of the gaming industry. He works with political leaders to shape gaming-related policy impacting the company's existing jurisdictions. "We work to provide predictable political outcomes and business stability in all jurisdictions, defeating government threats and combating non-friendly business policies as they arise," he said. "It's our job to help convince policymakers that gaming should be treated like any other business."

A goal of every business, the gaming industry included, is to make money. To this aim, Satz promotes government policies that have or will have a positive impact on the company's bottom line. Otherwise, jobs would be lost and the local community would suffer. "We actively promote investment incentives that create a win-win for the industry and our communities. Our goal is to pursue policies that help our leadership team grow the business," he said.

In addition to thinking about the present, Satz also focuses on shaping the future. "A key objective of my job is to promote the creation of new gaming jurisdictions," he said. "I'm involved in developing

strategies and building relationships with government leaders in domestic and international jurisdictions where gaming expansion is being considered."

Constant change within the gaming industry means that Satz confronts new challenges on a regular basis. "Internet gaming is a prime example of the ongoing change in the industry," he said. "It's clear that the Internet is and will continue to be an integral part of everyone's life and business, and we hope that includes some forms of gaming in the United States like online poker. One of the core issues we're faced with now is helping policymakers understand that current laws don't adequately address illegal gambling and other ambiguities in the law."

Satz credits his broad-based education and previous work experience for helping prepare him for his current position. He received his B.A. in Economics and Political Science from Ithaca College, then went on to earn his J.D. from Seton Hall University. His law school courses in constitutional law, administrative law, contracts, and tort litigation proved valuable throughout his career.

Before joining Caesars, Satz was an attorney at the New Jersey law firm Saiber, Schlesinger, Satz and Goldstein. During his 17 years with the firm, he was responsible for handling a wide variety of matters involving the gaming industry; his focus areas included regulatory affairs, development projects, compliance, responsible gaming initiatives, government relations, and litigation.

Satz embraces both the satisfaction and stress that come with his chosen profession. "There's nothing like proposing a new law or new jurisdiction, working through it from A to Z, and seeing it come to fruition. It can also be frustrating at times, especially waiting for the legislative and governmental processes to catch up to the concepts and ideas you're advocating."

In his work, Satz doesn't always get what he wants, but that doesn't stop him from striving for what benefits the gaming industry. His advice for aspiring gaming lawyers is summed up in one word: "Passion."

Satz added: "You have to have passion for what you're doing in order to fully get the rewards."

