

# Book Review: *Gaming Law: Cases & Materials*

by Jarvis, R. M., et al.

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Cases, notes and problems, in that order, make up the major contents of *Gaming Law: Cases and Materials*. This first-of-its-kind publication brings together gaming law basics in a form that is the mainstay of law school instruction—the casebook.

A case serves as an example to be probed for legal analysis. The notes represent the compilers' elaboration to extend or challenge the case, while the problems offer new issues to for students to argue.

Organized by types of gaming, the main chapters cover:

- State-Sponsored Gaming
- Charitable Gaming
- Pari-Mutuel Gaming
- Sports Gaming
- Casino Gaming
- Shipboard Gaming
- Indian Gaming
- Internet Gaming

Five gaming scholars compiled this work. The senior author is Robert M. Jarvis, Jr., of Nova Southeastern University. The remaining authors include the late Shannon L. Bybee, Jr., J. Wesley Cochran, I. Nelson Rose, and Ronald J. Rychlak, of UNLV, Texas Tech, Whittier School of Law and the University of Mississippi, respectively.

Usually the entire case is not given, just enough to illustrate a point. The new law reader may need to remember that casebooks usually carry appellate decisions, issues sent up from a lower court where points of fact are no longer in dispute and the unhappy party has another chance for victory on a point of law. Crucial at the appellate level could be a new ruling where the prior decision might be affirmed, modified, questioned, overruled, and such.

The Introduction to this casebook sets the background with a summary of gambling from B.C. to the present. Even gaming's influence on popular culture is shown, with a list of feature films with gambling plots, their dates and the actors that starred in them. More serious is the section on ethics with the recounting of the fate of the former Governor of Louisiana, Edwin Edwards, convicted of corruption in that state's riverboat gambling scandal.

Chapter 2, State-Sponsored Gaming, centers on lotteries. What elements distinguish a lottery from a sweepstakes? How successful have been lawsuits against lottery officials? What point is in contention when a lottery winner assigns his winnings to a third party as collateral for a business loan? You will find such issues illuminated in this section.

This review will not elaborate on each chapter, but will offer further remarks on three high interest areas: Casino Gaming, Indian Gaming and Internet Gaming.

The Casino chapter covers issues of external controls and internal controls. Translate “external” as licensing with its requirements of background checks through the applicant’s complete history—personal, financial, civil, or criminal. Translate “internal” into such topics as cash handling, auditing and accounting, betting, debt collection, cheating and compulsive gambling.

The chapter on Indian gaming covers a critical factor, namely tribal sovereignty. Tribes as nations distinguished from the 50 states have been the subject of constant questions of jurisdictional powers and roles. Several classes of gaming are at stake. Class III calls for a mandatory tribal-state compact spelling out mutual responsibilities, not always smoothly as compacts have spawned their share of legal bouts.

Internet gaming is a hotbed of controversy. Both legislatures and the courts were caught off guard when gambling entered cyberspace. A 2002 Internet gaming case carries the fascinating name: *United States v. \$734,578.82 in United States Currency* in a contest over bank account funds seized for alleged illegal online gambling operations.

Anyone involved in gaming eventually encounters the law in some form, for the industry is highly regulated, bound by strict state legal requirements but with increasing impact from the Federal and from foreign jurisdictions for overseas casino properties. This broadens the potential audience for this book beyond classroom adoption as a basic text as savvy gaming operators will want it on the shelf. The casino executive will reach for it; the casino manager can consult it; lottery commissioners may open it now and then.

*Gaming Law: Cases and Materials* serves an immediate need for law schools adding gaming courses and seminars to their roster. It may also find its way into workshops and continuing education sessions for gaming attorneys and regulators. Readers not associated with the law have a fundamental reference in this initial casebook, a pioneer effort that serves the general gaming researcher in fine fashion. Diligent searchers will need to update gaming law cases on their own from legal databases and law journals, as casebooks usually emphasize fundamentals and long-range issues and a new edition any time soon is unlikely.