

EXECUTIVE COMMITTEE

Jeffrey R. Rodefer*, Chairman
P. Gregory Giordano*, Vice Chairman
Michael J. Bonner | Mark A. Clayton | Lou Dorn | Dennis Gallagher
John A. Godfrey | Sean M. McGuinness | Lars Perry | Scott Scherer
*Co-editors of the Nevada Gaming Lawyer



State Bar of Nevada
GAMING LAW SECTION

MINUTES
May 7, 2012

Attendance. After being duly noticed, the following members of the Executive Committee (Committee), constituting a quorum pursuant to Section 4.5 of the Amended Bylaws (as approved May 9, 2001, and amended October 18, 2006), participated in a meeting at 3:00 p.m. on May 7, 2012 at the law offices of Lewis and Roca LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada 89169: Jeffrey R. Rodefer, Chairman; P. Gregory Giordano, Vice Chairman; *John A. Godfrey; *Sean McGuinness; *Lars Perry; and *Scott Scherer.

*Via Telephone.

ITEMS DISCUSSED.

1. Approved the Minutes of February 10, 2012. Upon a motion duly made and seconded, the Committee unanimously approved the minutes of February 10, 2012.
2. Golf Tournament - Update. Jeff informed the Committee that the UNLV Law Alumni Association was interested in sponsoring the golf tournament in the Fall of 2013 with assistance from the Gaming Law Section (GLS).
3. Pro Bono Work Card Program. Scott stated that the State Gaming Control Board (Board) will include a referral number in the Board's work card objection letters to the Legal Aid Center of Southern Nevada or Washoe County Legal Services. He indicated a broad and uniform standard would be applied by the agencies to determine an applicant's qualifications as indigent. Scott suggested that a pamphlet should be created to send to each attorney agreeing to accept a pro bono work card appeal case that describes the program and gives a general overview of the applicable laws and procedures.



Reply to:
Jeffrey R. Rodefer, Chairman | Gaming Law Section
c/o Boyd Gaming Corporation | 6465 South Rainbow Boulevard
Las Vegas | Nevada 89118
Phone: 702.696.1117 | Fax: 702.294.6339

4. State Bar of Nevada's Annual Meeting – Coronado Island. Greg provided the Committee with an update on the following one-hour general session panel. Greg further indicated that since it was a general session panel, the State Bar would cover the travel and lodging expense for the speakers.

Topic: *Playing Poker & Other Games on the Internet: Legal?*
Moderator: Greg Giordano
Speakers: Frank J. Fahrenkopf, Jr., President & CEO, AGA (Washington DC)
A.G. Burnett, Member, Nevada Gaming Control Board (Carson City)
Tony Cabot, Esq., Lewis and Roca LLP (Las Vegas)
Date: June 29, 2012
Time: 1:30 p.m.
Ads: Listserve.com (periodic) and *Nevada Lawyer* ads in April and May (half-page)

5. Nevada Gaming Law Practice & Procedure Manual. Jack indicated he would not have time to write chapter 5 on "Transfers of Interest." As such, the Committee suggested that Greg contact Jennifer Roberts at Lionel Sawyer & Collins about her interest in authoring this chapter. Lou advised the Committee that Pat Wynn, former Deputy Chief of Investigations for the Board (and currently with Cantor Gaming) would be a more appropriate choice to write chapter 8 on "Race Books and Sports Pools." The Committee discussed trying to identify an author for chapter 15 on "Accounting and Audits." The Committee suggested that Greg contact either Gregg Gale, former Chief Auditor for the Board (now retired) or Tom Roche, former Board Member (now managing partner of Ernst Young in Las Vegas). Greg did indicate that he had received drafts on 2 or 3 chapters. No other updates were available.

6. State Bar of Nevada's March 28th Section Lunch. Jeff stated that he had a conflict and was unable to attend this State Bar's annual luncheon with section chairs and Greg attended in his place. Greg provided that a few of the Nevada Supreme Court Justices also attended the luncheon and discussed, among other topics, the court's interest in seeking amicus briefs from time-to-time from the sections. Greg indicated that the court was looking to be educated about a particular issue and not advocacy. As such, the Committee indicated that it would explore creating an Amicus Brief Standing Subcommittee that would be comprised of possibly 10 members, who could meet and discuss any issue presented by the court, and assign members to write an appropriate brief in a timely manner. Jeff, Greg, Lou and Scott all expressed interest in serving on this Standing Subcommittee. Jeff stated he would send out a Listserve.com message to the GLS members to determine if anyone else was interested in serving on the Standing Subcommittee.

7. Nevada Gaming Lawyer (September 2012). Jeff, Sean and Greg advised the Committee on the status of the following articles that have been promised:

- *Foreword & Cover Photo* – Mark A. Lipparelli, Chairman, Board
- *Chairman's Message*

- *Lawsuits and The GCB: Clarification on the GCB's Monitoring of Civil Litigation* – A.G. Burnett, Board Member
- *Toward Meaningful Regulatory Reform* – Frank J. Fahrenkopft, Jr., President & CEO, AGA
- *Update on Ongoing Dispute Over the Application of Sales and Use Tax to Complimentary Meals and Free Meals to Employees* – John S. Bartlett, Esq.
- *Nevada Is Ready to Deal Internet Poker* – Mark A. Clayton, Esq.
- *Pro Bono Representation in the Gaming Employee Registration Process* – Scott Scherer, Esq.
- *Not Enough Money: The Problem with Extracting Value from Patent Portfolios in the Gaming Industry* – Mark Lerner, General Counsel, Bally Technologies
- *2013 Legislative Session – Preview: Crossroads for Gaming* – Russell Rowe, Matt Griffin and John Griffin
- *Greenberg Traurig UNLV International Gaming Institute Program Readies Next Generation Gaming Leaders* – Bo Bernhard, PhD, Executive Director, UNLV IGI
- *Casino Liability for Third Party Operations* – Lou Dorn, General Counsel, The Tao Group
- *Strategic Marketing Alliances are on the Rise: Be Ready to Counsel Your Client* – Vernon Nelson, Esq.

Additionally, Jeff indicated that the following had committed to placing advertisements in the magazine:

- LexisNexis (inside front cover)
- CBRE (full page – free rerun on 2011 ad)
- Cooper Levenson (full page)
- AGEM (full page)
- IGT (half-page, but may increase to a full page)
- Bally Technologies (full page)
- Lewis Brisbois (half-page)
- Konami (back cover)

He also provided that inside the back cover, like in prior years, would be a full page ad for the *2013 Gaming Law Conference*. Greg stated that he would try and secure an advertisement from BMM International, LLC.

8. 2012 Gaming Law Conference. Jeff indicated that this year's conference will be held on Friday, November 16th at The Orleans Hotel and Casino. He stated panels and speakers are confirmed as set forth on the agenda below.

- (9:00 a.m. – 10:00 a.m.) *Federal Legislation Update* – David O. Stewart, Esq., Ropes and Gray (Washington, D.C.)
- (10:00 a.m. – 10:15 a.m.) – BREAK
- (10:15 a.m. – 12:15 p.m.) *Ethics Considerations in Fee Arrangements, Billing, Conflict Waivers and Attorney's Obligation of Truthfulness and Diligence Pursuant to NGC Regulation 10* – Paul

Bible, Esq., Lewis and Roca, LLP (Moderator), Lynda C. Shely, Esq., The Shely Law, PC (Scottsdale, AZ), and Jack Godfrey

- (12: 15 p.m. – 1:45 p.m.) – LUNCH – Keynote Speaker, U.S. Senator Dean Heller
- (1:45 p.m. – 2:45 p.m.) *Regulators Roundtable* – Peter C. Bernhard, Chairman, Nevada Gaming Commission and Mark A. Lipparelli, Chairman, Board
- (2:45 p.m. – 3:45 p.m.) *Employee Registration Appeals* – Scott Scherer, Esq. (Moderator), Melanie Kushnir, Esq. Pro Bono Project Director, Legal Aid Center of Southern Nevada, Richard A. DeGuise, Jr., Hearing Examiner, Board, and Shawn Reid, Member, Board
- (3:45 p.m. – 4:00 p.m.) – BREAK
- (4:00 p.m. – 5:00 p.m.) *Gaming Industry, Wall Street's View* – Bill Lerner, Union Gaming Group

9. 2013 Gaming Law Conference. The Committee was informed that the 2013 conference is tentatively scheduled for Friday, November 8, 2013. The Committee was asked to start thinking about topics, speakers and location for the next year's conference, which will be discussed at the Committee's September 2012 meeting.

10. GLS Executive Committee – Nominations. The Committee was informed that the terms for the following members would expire at the end of May: Mark Clayton, Dennis Gallagher, Lars Perry and Jeff Rodefer. The Committee was further advised that Mark Clayton was not seeking reappointment. Dennis Gallagher, Lars Perry and Jeff Rodefer all expressed interest in continuing to serve on the Committee. As such, upon a motion duly made and seconded, Dennis, Lars and Jeff were unanimously nominated for reappointment by the Board of Governors.

With regard to the open seat, the Committee discussed the following GLS members who had directly or indirectly requested to be considered:

- Louis V. Csoka, Esq., LVC Law Group (Las Vegas)
- Jennifer Carleton, Esq., Brownstein Hyatt Faber Schreck (Las Vegas)
- Jennifer A. Roberts, Esq., Lionel, Sawyer and Collins (Las Vegas)

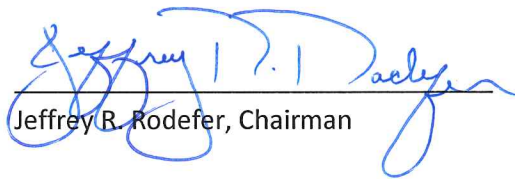
The Committee was advised that Maren Parry, Esq. of the Las Vegas law firm, Ballard Spahr, LLP had requested that consideration of her nomination be deferred to 2013.

After extensive discussion, a motion was duly made and seconded; Jennifer Carleton was unanimously nominated for appointment to a three-year term on the Committee by the Board of Governors.

11. Any Other Items of Interest. No other items were raised for discussion by the Committee members. As such, the meeting was adjourned.

Dated 4th day of September 2012.

State Bar of Nevada-Gaming Law Section


Jeffrey R. Rodefer, Chairman

JRR:jt