



J. Kelly Duncan

IMGL tracks timely issues such as online gaming

By J. Kelly Duncan

In my first President's Message of 2012, I wrote: "For the members of the International Masters of Gaming Law, the New Year has arrived with a bang. In December, it was announced that the United States Justice Department has reversed its longstanding position that the Wire Act prohibits all forms of on-line gaming." With this momentous development came the anticipation that the United States finally would join Canada, parts of Europe and elsewhere and embrace Internet gaming as the next big thing in gaming in response to what otherwise is viewed as a bricks and mortar gaming industry that some argue is reaching a saturation point in the U.S.

The adoption of laws and regulations by several states that are designed to allow them to participate in the multi-billion dollar Internet gaming industry would suggest that legal Internet gaming in the U.S. is ready for prime time.

But is it?

The U.S. Department of Justice's opinion of September 11, 2011, that came to light at the end of 2011 seemed to open the door for Internet gaming in the U.S. for all forms of gaming other than sports betting. But those who readily recall the arrests of Internet gaming operators charged with fraud and money laundering to disguise acceptance of financial transactions in connection with unlawful Internet gambling remain guarded. On one hand, the DOJ opinion appeared to finally allow Internet gaming in the U.S., but it left unanswered questions such as (1) whether Internet gaming in the U.S. should be regulated by the federal government or left to states to regulate, and (2) whether the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA) continues to create an impediment to transfers of money in connection with "unlawful Internet gambling" based upon the laws in effect in the location where the wager is made, as opposed to where the gaming site is located.

The global membership of IMGL brings an unparalleled level of expertise to address these difficult issues. Whether addressed in the very fine articles that appear in our four gaming law magazines — *Casino Lawyer*, *Canadian Gaming Lawyer*, *European Gaming Lawyer* and *La Ley del Juego* — with a worldwide readership in excess of twenty-five thousand gaming lawyers and other gaming industry professionals, or our twice yearly gaming law conferences, these leading sources of gaming law education are invaluable tools to help anyone involved in the gaming industry navigate these difficult issues now being faced in the U.S.

Our Spring Conference held in Scottsdale, Arizona, in April, for example, included a panel, entitled "An Internet Gaming Debate: Federal or State Regulated?" and our Autumn Conference in London from October 10-12, 2012, will include several sessions devoted to exploring the difficult issues surrounding Internet gaming in the U.S.

In addition to the outstanding journals we publish and the conferences that we hold twice a year, IMGL continues to host its immensely popular reception at G2E in Las Vegas. I would add that in May, IMGL was pleased to join Gaming Laboratories International in hosting a very successful reception at G2E Asia in Macau. This reception constituted a further expansion of the reach of IMGL to an area of the world that has seen an unprecedented growth of gaming. A few days after our Autumn Conference in London concludes, IMGL will be joining fellow IMGL members Santiago Asensi, Justin Franssen, Wulf Hambach, Quirino Mancini and Thibault Verbiest of the website portal GamingLaw.EU in hosting a reception at EiG in Barcelona. These receptions, in spectacular settings, provide high level networking opportunities for IMGL members and their guests to meet with other important individuals actively involved in the gaming industry throughout the world and discuss the latest developments in gaming.

Membership in IMGL is a true honor. It is by invitation only and being put up for membership election only occurs after a candidate has undergone a thorough vetting process. It is for this reason that the members of IMGL are revered for the breadth and depth of their knowledge. Just as the U.S. is at a pivotal stage in considering Internet gaming and how best to regulate it, every jurisdiction represented in IMGL, whether Europe, Australasia and the Pacific Rim, Canada, Latin America, or elsewhere is constantly faced with changing gaming laws and regulations. The members of IMGL constitute an unparalleled source of gaming law expertise to help the gaming industry to deal with the global regulatory challenges it faces on a daily basis.

Finally, please visit the IMGL website, found at www.gaminglawmasters.com. It is an invaluable source of all matters involving gaming law education and up to date details about IMGL activities, services and members. Also, please remember that you can always contact me at kduncan@joneswalker.com or our very able Executive Director, Melissa Lurie at imgldirector@aol.com. ♣