

Gaming,DOJ,Nevada

The Wire Act Revisited: How the DOJ's Recent Reinterpretation May Affect Gaming in Nevada

Apr 05, 2019

Article

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On January 14, 2019, amid the longest-running government shutdown in U.S. history, the U.S. Department of Justice (DOJ) quietly released an opinion that sent shockwaves through the gaming industry. The opinion, dated November 2, 2018, purports to reverse the DOJ's longstanding interpretation, articulated in its 2011 opinion, that the Wire Act's prohibitions exclusively apply to interstate gambling activities associated with "sporting events or contests" or, in other words, sports wagering. In stark contrast to the 2011 opinion, the 2018 opinion states that the Wire Act applies to all forms of wagering activity— gambling—that cross state lines. Following the 2011 opinion, numerous states, including Nevada, authorized online gambling in one form or another—online lotteries, online poker and online casino games are now fixtures in multiple jurisdictions across the country. In light of the 2018 opinion, states and industry participants are left to question what the future holds.

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