

## Sectors

# Gaming Law

Akerman's national Gaming Sector Team advises entertainment and sports companies, casinos, integrated resorts, parimutuel operators, and online platforms, among others, in all aspects of operating, growing, and protecting their businesses. Experienced across all aspects of the industry, including corporate transactions, commercial litigation, real estate, land use and zoning, intellectual property, tax, privacy and cybersecurity, labor and employment, restructuring, and regulatory counseling, clients rely on our comprehensive experience and strategic insight as they operate in this dynamic sector that continues to evolve at a rapid pace.

## Litigation

Gaming clients turn to Akerman for experienced counsel in litigation and appellate matters. From contract disputes and regulatory administrative hearings to government investigations and enforcement actions, our national team of litigators and appellate attorneys is known for operating at the intersection of industry knowledge and courtroom advocacy. Our clients, including domestic and foreign casinos, race courses, and integrated resorts, turn to us for representation in federal and state courts nationwide, as well as in arbitrations throughout the United States and abroad, in cases involving commercial disputes, employment litigation, licensing, regulatory, contractual, consumer protection, and liability matters. With our

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## Connect With Us



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## Our Team

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## Related Work

Bankruptcy and  
Reorganization  
Corporate  
Data Privacy and  
Security  
Employee Benefits and  
Executive  
Compensation  
Intellectual Property  
Land Use and  
Development  
Litigation  
Real Estate  
Tax

comprehensive understanding of the gaming industry, pari-mutuel operations, sweepstakes, and contests, we successfully protect our clients' interests and support their business goals.

## Regulatory and Compliance

Akerman works with gaming entities to procure licenses and approvals from state gaming regulatory authorities and corporate compliance committees. Our work includes obtaining and maintaining licenses and approvals, from the initial application, investigation, and interview process, to the public hearing on the finding of suitability and issuance of a license or approval, through the ongoing obligation to update regulators. Where permitted by applicable regulations or policies, we pursue waivers or exemptions from licensing requirements on behalf of investors, banks, and others who do not exert the requisite control over the gaming enterprise.

We advise clients on game mechanics that require consideration of federal and state anti-gambling and/or anti-lottery laws, including the legal ramifications of using business models that include virtual goods and currency, loot boxes, digital collectibles, and secondary markets. Our advice encompasses issues such as social casino games and real-money skill-based games. For tribal clients, we can help assure that all gaming operations are conducted in compliance with the Indian Gaming Regulatory Act.

Our clients rely on our experience and knowledge to interpret gaming regulations and work with regulators to address issues promptly and clearly. We advise compliance committees of casinos and equipment manufacturers on regulatory compliance and reporting requirements, compliance audits, and internal investigations.

## Intellectual Property

We advise clients on how to protect and maintain intellectual property assets for new games, gaming products, and corporate branding, among other issues. Our work includes managing all stages of patent work — from preparation to prosecution — related to gaming software, systems, and inventions, as well as managing the selection, searching, registration, enforcement, and defense of trademarks in the United States and around the world.

## Corporate Transactions

As clients look to enter, expand, or otherwise seize on the explosive growth of the gaming market, we advise on M&A, joint ventures, divestitures, capital markets transactions, financings, and other transactional matters. Our corporate, M&A, and private equity practices, and many of our partners, repeatedly achieve top-tier rankings from *Best Lawyers*, *The Legal 500*, and *Chambers USA*, which noted that our corporate lawyers “are extraordinarily effective and focused on understanding and achieving business and transactional objectives while communicating well to facilitate risk management.”

## Real Estate

With substantial gaming industry experience and local market insights, we provide comprehensive and fully integrated real estate counsel to industry clients across the United States. We advise our gaming clients on the full range of sophisticated real estate transactions and construction projects, with a strong focus on development and redevelopment projects. Given the breadth of our experience representing investors, developers, builders, lenders, end users, and other stakeholders, we offer comprehensive counsel on all aspects of real estate transactions, from acquisitions and financings to leasing and sales, and help clients navigate and comply with shifting environmental regulations.

## Land Use and Zoning

We work with gaming operators, including some of the world's leading entertainment companies, to secure land use and zoning approvals for casinos. Our lawyers and planners deliver customized solutions to help gaming clients meet their objectives for the most complex and challenging projects, including mixed use, planned developments, and adaptive re-use developments. Our multidisciplinary team boasts the knowledge and experience to handle all aspects of a project, integrating the full range of legal services — from financing and environmental law to litigation and appellate law — needed to make gaming developments a reality.

## Sweepstakes and Contests

Sweepstakes and contests are popular forms of promotions capturing engagement, but are subject to a patchwork of varying and conflicting federal, state, and local laws. We provide guidance on marketing from both a national and state-by-state perspective. Our work encompasses drafting official rules, abbreviated rules, entry forms, winners' releases, and related materials for sweepstakes and contests; conducting 50-state surveys relating to specific proposed promotions; coordinating state registration materials and posting of bonds; and addressing the multitude of issues presented by large-scale marketing campaigns.

## Tax and Employee Benefits

Akerman lawyers have extensive experience counseling casinos on their obligations to report, withhold, and remit Federal and state taxes with respect to the gambling winnings and promotional prizes they pay to both U.S. tax residents and non-residents, and in resolving disputes with taxing authorities regarding those obligations. We design and implement tax efficient compensation packages for gaming executives, and employee benefit plans

for all types for gaming employees and help assure that they are administered in compliance with the Internal Revenue Code, ERISA, the Affordable Care Act, COBRA, and HIPAA.

## Labor and Employment

We provide guidance for our gaming industry clients and defend their businesses against employee claims and lawsuits involving discrimination, harassment, retaliation, and wage-and-hour violations – whether single plaintiff or class or collective action issues. We conduct harassment prevention programs and other types of proactive management training to prevent employee issues for casinos. With respect to personnel and customer matters, we advise on issues such as whether a gaming employee's conduct justifies or requires discipline, whether a patron's behavior requires exclusion from the casino, or whether an affiliate's activity in another jurisdiction requires regulatory approval.

Union organizers are leveraging effective tools such as social media, websites, and other digital communications to advance organizing efforts. At the same time, the federal government has taken a decidedly union-friendly approach. We have first-hand experience representing and advising clients through active union organizing campaigns that lead to card checks and the voluntary recognition process, and the federal election process conducted by the National Labor Relations Board. Enterprises with unionized workforces rely on our team's significant collective bargaining experience negotiating hundreds of collective bargaining agreements with almost every major union in the United States. Our team's union experience and success also serves to support our clients in negotiating and structuring M&A of their gaming businesses.

## Bankruptcy and Restructuring

We serve as a strategic partner to not only our gaming clients but also to our clients that interact with the gaming industry in their roles as creditors, lenders, distressed businesses, court-appointed committees, or fiduciaries. With experience serving as bankruptcy counsel in many of the largest bankruptcy filings in the country, we have a track record of resolving financial issues quickly, whether through bankruptcy or out-of-court solutions. We guide clients through Chapter 11 reorganizations, workouts, receiverships, Chapter 7 liquidations, and other bankruptcy and restructuring matters.

### Privacy and Cybersecurity

The number, complexity, and variety of privacy laws and regulations applicable to gaming entities and the information they handle can make compliance costly and challenging. Requirements in the United States and overseas are compelling globally connected organizations to reassess and overhaul their policies, practices, and systems for maintaining the privacy of sensitive information as defined by different statutes. Akerman data lawyers assist clients in evaluating their systems, practices, and incident response plans and in ensuring they have the benefits of best practices and industry experience. Our team supports businesses large and small, whether operating online betting platforms, managing player loyalty data, or conducting a sweepstakes promotion.

When a data breach occurs, time is of the essence. It is crucial for an organization to have a pre-established response plan that enables speed and efficiency while maintaining compliance with applicable laws and regulations. Akerman helps clients plan for and mitigate these risks by staying up-to-date with data security laws and regulations, and by advising on best practices in order to maintain good cyber hygiene. If and when breaches happen, we help clients respond quickly, efficiently, and effectively.