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## The Week That Was

05-18-18

### 1. Let the Games Begin

#### *Our Spin:*

Although the United States Supreme Court overturned the 1992 Professional and Amateur Sports Protection Act which prohibited states sports gambling, here in New York State there is still a long way to go before you can walk into a sports book or bet on a mobile online platform.

On Monday after the decision was released, Democratic elected officials, such as Governor Cuomo and Speaker Heastie, pushed for a slower and much less enthusiastic pace, “We haven’t reviewed it and it’s nothing that we’ve talked about with the Legislature,” Gov. Andrew Cuomo said at a news conference in New York City. Cuomo went on to say that he was doubtful there would be “any action” (no pun intended) in the 2018 legislative session. Speaker Heastie echoed similar comments. “Gambling is something that for members of the Assembly we don’t take lightly. Anything that expands it, we want to take a really hard look at it.”

We don’t want to discourage any of our readers. So we are happy to remind everyone that it is Preakness Weekend at Pimlico Race Course. That is if the flood warning and rainstorms allow the eight horse field into the starting gate for the second leg of the Triple Crown. As we all know, placing a few dollars on a horse race in New York is legal (and also highly encouraged by your author and editing team). The only prediction that we are comfortable with this week, is that the sports wagering legislation will be hand to hand combat in the State legislature in the second and third week of June this year.

As Senator Bonacic said, there is still “plenty of time” to get this sorted out with thirteen session days remaining. Here at FWC our money is on...wait is that legal yet?

#### *The Story:*

The Supreme Court opened the door to legal sports betting across the country by invalidating federal prohibitions on such wagers, in a ruling Monday that could mark a groundbreaking shift for sports leagues, fans and casinos. The court, in a 6-3 opinion written by Justice Samuel Alito, struck down the 1992 Professional and Amateur Sports Protection Act, or PASPA, a federal law that said states couldn’t “sponsor, operate, advertise, promote, license, or authorize” sports gambling.

The ruling, which sided with a challenge brought by New Jersey, clears the way for states, if they choose, to allow gambling on athletic events watched by millions of Americans. It also set off an immediate scramble, as state and federal lawmakers, sports executives and gambling operators began envisioning a world in which legal, state-sanctioned wagers become a central part of the American sports landscape.

“It’s going to add an entirely different dimension to fan engagement. What remains to be seen is whether it’s a good dimension,” said Nellie Drew, a sports-law professor at the University of Buffalo.

Joining Justice Alito were Chief Justice John Roberts and Justices Anthony Kennedy, Clarence Thomas, Elena Kagan and Neil Gorsuch.

New Jersey had waged a six-year battle to allow sports betting within its borders. The justices reversed lower-court decisions that blocked the state from

implementing a 2014 law that repealed prohibitions on sports wagers at casinos and racetracks. New Jersey Gov. Phil Murphy, a Democrat, praised the court's ruling, as well as efforts by his predecessor, Republican Chris Christie, to open the state to sports wagers. The Justice Department, which defended the federal prohibitions, declined to comment. Sports enthusiasts could now see legalized sports gambling in a number of additional states in coming months, including Pennsylvania and West Virginia, which have already passed legislation to allow for wagers. A group of 18 state attorneys general and three governors filed a brief supporting New Jersey's position.

Obstacles remain. States will need to craft licensing and taxing regimes, and legalization efforts could face opposition from antigambling forces. Congress could choose to get involved, though it is unclear whether lawmakers in a gridlocked Capitol have the appetite to tackle the issue. Mr. Hatch, an original author of PASPA, said he would offer legislation in the coming weeks to set federal standards as states decide whether to allow sports betting. "We cannot allow this practice to proliferate amid uneven enforcement and a patchwork race to the regulatory bottom," Mr. Hatch said.

Congress passed the 1992 law in response to concerns that a growing number of states wanted to allow sports wagers. Bets on individual sporting events now take place only in Nevada, since a long history allowed the state to be grandfathered into the federal law. Laws in Oregon and Delaware allow for more limited wagering, but legal bets on single sporting contests have been off-limits to most Americans, leaving only unregulated black markets—and informal pools on marquee events like the Super Bowl and the NCAA men's basketball tournament.

Sports leagues and the National Collegiate Athletic Association had sued New Jersey to stop its betting plans, but the four major professional sports leagues—the National Football League, National Basketball Association, Major League Baseball and National Hockey League—have been quietly working to mobilize for the day this ruling would arrive. The NBA and MLB have positioned themselves to try for a cut of the action from gambling activity in their sports. The NFL intends to push for legislation that would require any new sports gambling operations to use its officially sanctioned league data.

This is a reversal from the longtime antigambling stances the leagues took in part because they had, for a century, been rocked periodically by gambling-related scandals. The sports leagues sent a consistent message Monday that they will work to protect the integrity of the game in states where the practice becomes legal.

[The Wall Street Journal](#)

## 2. Where Do You See Yourself in 3 Years?

### *Our Spin:*

Former New York Attorney General Eric Schneiderman's recent fall from grace following repugnant allegations of sexual violence has left New Yorkers and many Americans stunned. In the wake of the scandal, the New York State Legislature is scrambling to fill the state's chief legal officer position until elections are held in November. A bipartisan legislative committee convened on Monday and Tuesday of this week to interview 13 highly qualified applicants. First at bat was acting Attorney General Barbara Underwood, who unsurprisingly was venerated by the legislators on the panel given her unequivocally impressive resume as an all-star government attorney and legal professor. Ms. Underwood maintained that she would not seek election in November, and rather only wishes to see out the current term as an interim AG. The ball game might as well have ended after Underwood walked to first, as much of the crowd began to head for the concession stands, the pitcher's arm tired. In addition, both Congresswoman Kathleen Rice and Senator Michael Gianaris have taken themselves out of the line-up, perhaps clearing the field for Public Advocate James.

### *The Story:*

On Tuesday, a joint legislative panel convened to interview six of thirteen candidates for the vacant New York State Attorney General position following the disgraced departure of Eric Schneiderman after accusations surfaced that he sexually assaulted four former girlfriends. The hearing on Tuesday lasted for four hours, but no candidate got anywhere near the same amount of attention as acting Attorney General Barbara Underwood, who was before the panel for over 70 minutes.

Ms. Underwood made it clear that she has no intention of seeking election in November to become the state's next chief legal officer, and that instead, she wishes only to serve out the rest of Schneiderman's term, which will expire at the end of the year. With this in mind, the panelists still had no reservations when it came to expressing their admiration for Ms. Underwood's credentials and professional accomplishments, "I'm really amazed by your career as a lawyer," state Sen. Brad Hoylman (D-Manhattan) said to Underwood. "Maybe by the end of this meeting we can convince you to run for election."

Tuesday's interviews also included current Assemblymen Danny O'Donnell and Tom Abinanti, former Congresswoman Elizabeth Holtzman, Appellate Court Judge Doris Ling-Cohan, and one-time gubernatorial aide Lloyd Constantine. Many legislators not on the panel but in the audience made it clear who they were interested in watching, as about half of them left after Ms. Underwood finished her interview. By the time the fourth speaker

interviewed, fewer than a dozen legislators were in the audience.

While Ms. Underwood established and reinforced her conviction that she only sought to ‘steady the ship’, she highlighted the importance of continuing the work that was being carried out by the Attorney General’s office, “I feel this work is the most important work I have ever done, and I assure you the work will continue uninterrupted if the Legislature allows me to serve out the current term,” she

said. “My plan is to continue investigations that are in process until they reach their natural conclusion.”

[Politico](#)

