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NEVADAN AT WORK: Attorney wagers against casinos -- and wins

By ROD SMITH
GAMING WIRE

For many gamblers, Bob Nersesian is a saint who has come up a winner tackling the cases of advantage gamblers who claim their civil rights have been trampled by casinos.

For some gaming executives, he's a scourge who's persuaded judges and juries to protect individual rights rather than the odds of the house over players.

At core, however, Nersesian is a restless soul who has pioneered a new field of law on a dare made over a poker game with friends.

The Michigan native never imagined it this way. He grew up in suburban Detroit, married his attorney-sweetheart and started raising a family.

Coming home one day from his successful practice of automotive law, he asked himself and his wife if they were really going to spend their entire lives doing what until then had just come naturally.

And the daring duo said "no." They wanted more and headed to Las Vegas, not to practice gaming law, but to build another automotive law practice.

One night over poker, however, a buddy started telling tales of card counters and casino security officers who allegedly abused patrons to keep advantage gambling out of casinos -- even though the state Supreme Court had found it legal.

Nersesian said "no way, not with the Constitution." And so began a crusade to fight for the civil rights of gamblers who try to apply skill to their games.

So far, he's tackled more than 50 cases and come up with a string of wins over the casinos. Just how many wins is sealed in the court records of untold settlements, sealed because casino companies prefer

that the tales never be told.

In the courtroom, Nersesian can be gregarious, combative and competitive. With his wife and partner, he seems gentle, loving and supportive. But in a recent interview in his downtown office, he was introverted, reflective, guarded and philosophical.

Question: Why the law?

Answer: Three extra years to not get a job. That's it man, but when I started into it, I found I love it. Why? The logic, the one-on-one competition and the inherent beauty of the rule of law.

Question: What was your practice initially?

Answer: General business law centered on automotive. Dealer-manufacturer litigation, product liability, warranty litigation. We still do that, but we've also branched out into civil rights and advantage gambling.

Question: What percent of your practice is that?

Answer: Fifty percent.

Question: How'd you get into it?

Answer: On a bet at a poker game at a friend's house. Somebody was telling about being back-roomed (by casino security). That was new to me. I took extreme offense to the situation described. I mentioned to my buddies -- this was a lawyer poker game -- that there was a good case here. The reaction was, this here's Nevada and what you heard is just how things are done. And I said: "Like hell." And they informally bet me I couldn't do anything with it.

I took the case, settled and the rest is history. That surprises a lot of people, that the casino was told to come up with money.

Question: How many cases have you handled since then?

Answer: Probably four or five dozen, with what I have on file.

Question: What is advantage gambling?

Answer: When we're discussing advantage gambling, we're discussing playing a game with a legal edge. The biggest advantage gamblers in the country are the casinos, but they seem undeterred that they too are advantage gamblers. When somebody figures out their games and takes it to them with an advantage, the reaction is it must be cheating or illegal or somehow wrong.

I can't figure out why they can't figure out what's good for the goose is good for the gander.

Take card counting, for example. That's playing the same way a skilled player would play bridge, poker or euchre. Casinos take real offense when gamblers approach gaming as a competition rather than a leisure activity where the casinos take theirs off the top.

Question: And now you've written a book about this?

Answer: Yes. Title is "Beat the Players," with the subtitle: "Casinos, Cops and the Game Inside the Game." Published by Pi Yee Press here in Las Vegas. It came out in mid-July and is available on Amazon and other Internet locations, our gambler's bookstore here and we're looking at some general circulation as well. This is not a vanity publication.

Question: The title seems like sort of a pun.

Answer: It's a double-entendre. There's the beat the players moneywise. Beat the players physically. And there's a seminal gambling work called "Beat the Dealer." So the title comes at it from three directions.

Question: How'd it come about?

Answer: I found what I was working on to be timely, interesting, fun and cutting-edge. I figured if that was true for me, knowing about it would be true for others as well. The book also includes a lot of law on gambling, but it's written in what I believe is a readable style.

Question: What can readers learn?

Answer: The biggest thing is how to keep their money when they win.

Question: Do you think that'll surprise most people?

Answer: Sometimes players keep their money if they win, but they're not allowed back in the casinos. And sometimes they have to fight real hard to keep or get their winnings. It would surprise people to know how often major jackpots are challenged on claims of malfunction or while machines are investigated. I have dozens of anecdotal stories of patrons who go to cash out a substantial sum of chips and have to jump through hoops before the casinos will recognize or pay the chips.

Often the Gaming Control Board has to be called.

Question: Why?

Answer: I think the clearest answer is chips are money and he who holds or keeps the money wins. What casino wants to be separated from its money?

Question: How receptive has the legal community been to your practice?

Answer: As near as I can tell, the legal community enjoys hearing about the successes in this niche. A couple of other lawyers have started doing the same thing, have started working in this field.

Question: What do you like most about doing business here?

Answer: The people I do business with, including my adversaries. It starts with respect that somebody has to lose and therefore everybody gets a fair shake, at least at first. The point is that if I'm entering a business transaction or a legal transaction, I don't have to show up with a list of credentials and references two miles long because everybody in this town is doing deals.


Question: What do you like least about the business climate?

Answer: The way the various levels of government want to step on every transaction or business arrangement and the attitudes of regulatory agencies trading in power rather than property rights and what's best for the community. For example, I have a law firm. It's one business. There are two lawyers here. And I own my own building. Yet I need four different business licenses -- one for each attorney, one for the license and one for the law firm.

There's no regulatory benefit or public benefit. It's just a money grab.

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