



## REMARKS FROM THE PRESIDENT'S DESK -

By: *Fernando D. Vargas*

### How Will the SCOTUS Decision on New Jersey's Betting Laws Affect the U.S.?

When the state of New Jersey recently won its case at the U.S. Supreme Court, the federal ban on sports wagering as it stands was found unconstitutional. While New Jersey may have been the only state named in this particular case, the decision is likely to change the way states across the country treat sports wagering. What will the effect be? Only time will tell but there are a few things that are clear.

#### The majority opinion

In SCOTUS's majority opinion, they noted that legalizing sports gambling was an important decision to make but that the choice was not that of SCOTUS. They believe that congress has the right to regulate sports gambling but if it does not, then the states are free to do so. As a result, the decision made by the US Third Circuit Court of Appeals was reversed.

#### The likely applications of the verdict

What we do know is that New Jersey can and is moving forward with their plans to legalize wagering. We know of at least two other states – West Virginia and Mississippi – that say they are ready to move forward and add laws to their books as well. Pennsylvania legalized sports wagering last year and a statewide rollout could be coming within weeks.

#### How the case came to be

It all started in 2014 when New Jersey enacted a law that partially repealed its own ban on sports betting. The state enacted this new law to allow casinos and horse betting tracks within the state to allow sports wagering. The goal was to get around the federal law known as the Professional and Amateur Sports Protection Act (PASPA), which bans single-game betting outside of Nevada.

Most of the major sports leagues, including the NFL, MLB, NBA, and NHL, along with the NCAA, filed a suit to prevent this law from taking effect. PASPA allowed lawsuits by the leagues. Three years passed and New Jersey lost the case in federal district court as well as the United States Third Circuit Court of Appeals. New Jersey then appealed the case to the Supreme Court where it was accepted last summer.

Oral arguments were presented back in December and experts at the time felt that the arguments and conversations between attorneys and justice went in New Jersey's

*(Continued on page 4)*

## Welcome WSBCBA New Members

**Amanda Johnson, Esq.**  
**Rebecca Perkins, Esq.**

## ***In Memorium: Judge Paul Egly***

*by Dean McVay*



Judge Paul Egly, our WSBCBA 2017 Lifetime Achievement Award Winner, died June 26 at his Laguna Beach home. He was 97.

If you missed the October 2017 Installation Dinner, you missed a wonderful tribute to a very talented and deserving man. To put it simply, there was no one more deserving of the distinguished honor of “Lifetime Achievement Award” than Paul W. Egly. Judge Egly dedicated his long and distinguished career to improving the lives of others.

Immediately following his graduation from George Washington School of Law in 1949, Judge Egly moved to Europe and practiced law. Prior to law school, he served in the army in Europe from 1942 to 1945.

In 1952, Judge Egly returned to California and began his legal practice opening an office in Covina. Shortly thereafter Howard Weiner joined him. After achieving prestige in the California legal community, in 1963 Judge Egly was appointed to the Municipal Court bench by former Governor Pat Brown. Shortly thereafter, former Governor, Ronald Regan, appointed Judge Egly to the Los Angeles County Superior Court where he served until 1981.

While on the bench, Judge Egly started a law school at the University of La Verne, where he was Dean and taught Constitutional Law. Judge Egly was responsible for shaping the legal minds of generations of legal scholars

and prestigious attorneys and judges, including many members of our bar association.

Judge Egly was asked to preside over *Crawford v. Board of Education of the City of Los Angeles*, the landmark anti-discrimination case which tested the constitutionality of California Proposition 1.

Following his noteworthy legal work in *Crawford v. Board of Education*, Judge Egly returned to his academic career. Judge Egly continued teaching, despite losing his eye sight to macular degeneration at the age of 62. He taught at the Law School until age 85 and then wrote a law review article for the University of La Verne Law Review discussing the *Crawford* case.

In a 1999 American Bar Association article, Judge Egly stated that the reason he continued to practice law was because, “I was stubborn! I didn’t know when to give up...I asked myself, what is your greatest asset? It can’t be my eyes. It’s my brain...I knew the case law by heart.” As such, Judge Egly continued to use his vast knowledge of memorized case law in his position as a panel member of the Judicial Dispute Resolution (“JDR”), where he specialized in complex constitutional law, employment law, public entity municipality law, educational law, mass tort and catastrophic injury.

Some of the Judge Egly’s attributes have been described as follows:

There is absolutely no question that Judge Egly has left his mark on our legal

- California born
- Orange picker
- Loving parents
- Tennis player
- Piano lessons
- Good student

*(Continued on page 3)*

(Continued from page 2)

- UCLA
- Railroad worker
- WWII soldier
- Liberated concentration camp
- Hated war
- George Washington Law
- Practiced in Europe
- Back to California
- Learning ropes
- Own practice
- Lots of clients
- Smart partners
- Built Boats
- Origami teacher
- Ran for office
- Tapped as judge
- Took unwanted case
- Received hate mail
- Clear thinker
- Fabulous laugh
- Founded a law school
- Incredible teacher
- Loves sailing
- Sailed to Hawaii
- Great to talk to
- One of the Greenbelt Creators
- Stepped in to preserve Greenbelt
- Serious Angel Baseball fan
- Stick in the mud
- Father to wonderful daughter
- Gardner
- Inventive cook
- Supportive step father
- A tinkerer
- Proud Grandfather and step Great Grandfather
- A creator of private judging
- Reader extraordinaire
- Author
- Traveler
- Barcelona Resident
- Loves music
- Charming
- Interested in all
- Ignored blindness
- Read read read
- Democrat
- Interested in people
- Listens
- community and community at large, and for that we as a bar association are eternally grateful. Judge Egly – you will be missed, but never forgotten!

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**August 2018 Calendar**

**August 4 - Coast Guard Birthday**  
**August 21 - Senior Citizens Day**  
**August 26 - Women's Equality Day**

*(Continued from page 1)*

favor. The case was nearly 50 pages long and had a majority ruling of six justices, with Justice Alito writing the majority ruling. He was joined by Justices Roberts, Kennedy, Thomas, Kagan, and Gorsuch. Breyer did agree with the majority but wrote his own opinion, while Ginsburg and Sotomayor dissented.

### **What the verdict says about PASPA**

A reading of the majority opinion makes it clear that the court has decided PASPA is unconstitutional. It further states that the provision of PASPA that prevented states from authorizing sports gambling violated anticommandeering rules, and that provisions of PASPA that prohibits states from licensing sports gambling violate the same rules. In short, PASPA is a thing of the past.

### **What the verdict means for the rest of the country**

The verdict did not find that sports betting is legal, it simply found that PASPA was not

constitutional. As a result, states are free to make their own rules banning the practice, and the federal government could still move forward with a different national ban. At this point the federal government has been silent on the issue but we will be watching other states to see how they react. And, the reaction of each state may hinge entirely on the need to generate increased tax revenues.

Experts speculate that by 2023, a U.S. regulated sports betting market involving 23 states across the country could generate gross yearly revenues that fall anywhere between 6.03 billion dollars and 196.2 billion dollars. Though the experts are not in agreement on exactly how much money a sports gambling market could potentially generate, one thing is clear- the numbers are absolutely staggering. These estimates are a strong indicator that the legalization of sports gambling across the country is on the horizon.



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*Western San Bernardino County  
Bar Association's  
2018-2019 Installation of Officers  
and  
Awards Ceremony*



**Award Recipients**

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2018 - 2019

Jennifer Brooks Lawyer of the Year

*Elizabeth Courtney, Attorney at Law*

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Lifetime Achievement Award

*Karen Diggs*

2018 - 2019

Legal Assistant of the Year

**October 4, 2018**

**5:00 p.m. - 8:30 p.m.**

**DoubleTree by Hilton, Ontario, CA**



## The Calculation of Equity in Real Property

How many times have you witnessed a divorcing couple arguing and negotiating endlessly over the proceeds of selling their home - or arguing and negotiating because one spouse wants to refinance and buy out the other, and they can't agree on the buy-out price and terms?

All too often, those acrimonious negotiations are for naught – because in reality one of two things is true:

- There is little to no equity
- The spouse who wants the house can't qualify for a mortgage loan

The formula for equity is: Value - Encumbrances = Equity. Establishing an accurate value (not an online automated valuation) is the first step. And then discovering all of the encumbrances is the second, and often most neglected, step. Proper discovery will reveal exactly what is owed against the house.

Examine the status of the house and its encumbrances, looking for things like:

- Loan modifications
- 2nd mortgages
- Pace or Hero loans
- IRS, Child Support and other liens or judgments

Homeowners whose second mortgage was “forgiven” during a loan modification often forget that the money will still be owed upon sale of the house. They also forget that principal deferred during the modification is still a debt, and that debt is due when the house is sold.

Hero or Pace loans create another problem. While the homeowner has been paying them off through their property taxes, a new lender will likely not subordinate, requiring the debt be paid in full when the house is sold.

These are all things that can be discovered early in the process, preventing costly 11th hour surprises down the road.

*Article by Laurel Starks,  
Divorce Real Estate Expert*



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#### “A Night of Magic”

Friday, September 14, 2018

6:00 P.M.

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### Installation Awards Ceremony & Dinner

Thursday, October 4, 2018

5:00 P.M.

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