

DASMA'S LEGAL COUNSEL

Trials, transitions, and tributes

Editor's Note:

Dealers may recognize Naomi Angel as the passionate and convincing attorney from DASMA's mock trial seminars. Over the years, Angel has nailed every mock trial performance, although many would argue that her primary role as DASMA's general counsel since 1995 is her most impressive achievement.



Twenty-three years ago, the idea to hold a mock trial was conceived by DASMA. Members of the DASMA Product Liability and Safety Committee determined that it was an innovative way to educate the industry about important safety and potential liability issues.

DASMA's first mock trial took place in Toronto during the 1999 Garage Door Expo. Since its inception, variations of the seminar have been held at the AFA Fencetech, IDAExpo, the NOMMA MetalFab, and other company training and education events.

Nothin' to mock at

While Angel may not have come up with the idea for the mock trial, she can certainly be credited for the authenticity of the content, script, and performances. "I was responsible for the procedural litigation elements and writing the opening statements and closing arguments for the lawyers," said Angel.

DASMA Treasurer and mock trial participant Rick Sedivy said, "We wanted to make the mock trial 'feel' as real as possible, and Naomi's input was invaluable."

He said that she guided the mock trial committees on what we could and couldn't say and educated us about courtroom procedures, discovery, attorney rules, and behavior. "Without Naomi, the mock trials would not be as successful as they have been in getting our message out," said Sedivy.

The hypothetical scenarios created in the trials were developed by technical teams and various manufacturers. Angel said, "Our goal was to portray realistic and key issues that could potentially cause safety

incidents or accidents in the field."

For Angel, accurately conveying the technical requirements and educating audiences about potential liability consequences of improper installations in a creative and compelling way were the primary purposes of the mock trial seminar.

"We were constantly adapting the script to include the latest technical and safety standards and guidelines," said Angel.

"When the ASTM F-2200 requirements
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Angel participating as the plaintiff's attorney in the DASMA Mock Trial held at the 2019 Expo.

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were finalized, we tailored the seminar to include these guidelines to emphasize its importance to dealers in the industry.”

Bravo!

Angel has played the role of the plaintiff’s attorney in every mock trial held since 1999. Her years of experience as a litigation attorney qualified her for the part, and this experience is key to her masterful performances.

“I took liberties with the script to highlight the issues that could leave a company exposed to liability issues. At the end of the day, the plaintiff’s case was always convincing,” said Angel.

A favorable ‘verdict’ was the best way to convey the risks of improper or inaccurate installations to installing dealers in the industry.

The “day job”

Angel has never worked as a personal injury attorney like the one she plays in DASMA’s mock trials. During the first 15 years of her career, she specialized in product liability, intellectual property, and corporate litigation. She then transitioned into antitrust and not-for-profit association work.

She became DASMA’s general legal counsel shortly after the merger of NAGDM and DORCMA in 1995. In this role, she has guided many projects and legislative efforts.

One notable highlight is Angel’s critical role in the expansion of the Energy Tax Incentives Act. When the energy tax credit was introduced, Angel and a team of DASMA members led the effort to educate legislators in Washington, D.C. about the garage door industry.

Angel guided communications with the Internal Revenue Service and members of Congress, advocating for door products to be included in the legislation. In 2007, as a

direct result of these efforts, the energy tax credit requirements were expanded to include properly insulated garage doors, thereby making them eligible for the \$1500 credit.

Angel also assisted technical leaders to help educate the Consumer Product Safety Commission (CPSC) about issues pertaining to the development of safe industry products. She coordinated directly with manufacturers and the CPSC to enhance consumer protection.

Legal is a resource

When technical director Joe Hetzel and Angel learned that a Nevada senator, who had never heard of UL-325, was introducing and voting on a bill involving automatic gate operators, they were on the case.

Angel recognized that the bill had severe unintended consequences, so the duo immediately booked a flight to Nevada to educate legislators about the language they were about to vote on. After Hetzel and Angel’s meetings, state legislators incorporated the appropriate UL-325 requirements and the bill that eventually passed was clear and sensible.

Not your typical attorney

Angel’s role as general counsel of DASMA was never typical. She said that her job was more than simply giving antitrust advice, reading the bylaws, and reviewing contracts. “My role was to help DASMA accomplish its goals and to oversee that it was done legally,” said Angel. “I always felt like a partner with management and the members.”

In 2010, Hetzel asked Angel to give a presentation during the Technical Fall Forum. The forum is a unique platform for DASMA’s legal counsel to speak directly with engineers and technical members.

The first presentation was so well-received that Angel ended up presenting at six more Technical Forums from 2011 to 2019. Topics of discussion included current legislation, warning labels, certification, antitrust, and engineering documents.

Hetzel said, “I could always count on Naomi to contribute meaningful association-related content from a legal standpoint. I observed that the members greatly engaged in her presentations because it added a needed dimension to their industry work.”

Retired DASMA Executive Director John Addington said, “Naomi has a boundless energy, and at the drop of a hat she would be available to DASMA and its members.”

“The time is right”

I hardly could have envisioned what DASMA’s journey would look like 25 years ago when NAGDM and DORCMA merged. I never imagined that my career in patent and product liability litigation would eventually lead to over two decades of not-for-profit association work.

2021 is the best time to continue the next phase of the journey. With Chris Johnson at DASMA’s helm, Gordon Thomas leading technical efforts, Vicki Jones as editor of the magazine, and Rachel James and support staff keeping everyone on track, it’s time for new counsel.

I started my succession planning a couple of years ago, and now I confidently pass the legal reins to my Howe & Hutton colleagues, Nathan Breen and Christiana Pannos. They each possess their own unique qualifications, skills, and strengths.

In addition to capably keeping DASMA compliant with the antitrust laws, they will provide stability and continue to partner with you as DASMA moves into its future with dedicated and energized leadership and staff. I’ll cheer you on from the sidelines.

Thank you for giving me the opportunity and privilege to be a part of your lives, mission, organization, and industry.

Naomi Angel

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An association specialist

Angel said that she feels extremely honored to have partnered with DASMA for all these years and will miss the people. She is also open to assuming her mock trial role as the plaintiff's attorney in the future.

Addington said that Angel and the Howe & Hutton (H&H) firm are not just legal counsel, they are seasoned and professional association specialists.

"Naomi would always listen carefully and try to understand what the members wanted and needed to accomplish. Then, she would try to find a pragmatic way to get it done," said Addington.

As legal counsel, the easy thing to do is to say no, but to be an effective counsel for an association, you have to try and find a practical approach to address the situation first. "When Naomi said no, it was always to protect the members," Addington added. ■

Introducing Nathan J. Breen DASMA general counsel

His background

Nathan Breen is an H&H partner. He earned his undergraduate degree from DePaul University and his Juris Doctorate from The John Marshall Law School. Out of law school, Breen took a job at a small-time personal injury firm. While it was a great experience, he admits that he couldn't get out of that area of law fast enough.

In 1999, he took a position at H&H in the intellectual property area within the nonprofit organization niche; he has been with the firm ever since. Over the years, he transitioned into association governance, antitrust, and standards, and currently serves as counsel to numerous trade associations for various industries.

The Angel-Breen partnership

Breen met Angel at a Chicago Bar Association meeting in 1999. He said, "I was impressed by Naomi's knowledge and also recognized that she ran in the tight Chicago nonprofit circle and was a good person to know." Their paths crossed again shortly thereafter when Angel left her law firm and joined H&H.

Breen became involved with DASMA almost immediately upon Angel's arrival. Initially, he handled trademark filings. Later, he began attending meetings with Angel to learn the ropes. He has been serving as DASMA's primary counsel since the beginning of this year.

Working alongside Angel for over two decades, he has learned some valuable lessons about how to cultivate quality relationships and how to be an effective counsel for the association.

"Naomi is adept at identifying both the legal and practical issues her clients need to consider and evaluates situations with a trial lawyer's experience and mindset. She packages that with a frankness that is well received given her experience and credibility," said Breen.

Angel can provide guidance on both legal and practical issues due to her previous experience participating in depositions and trials. "In a meeting, she is fully engaged on both the legal and practical elements of what's being discussed," added Breen.

"This makes her an invaluable addition to any meeting. As my career continues, I strive to be able to offer the same type of considered guidance." ■



Breen

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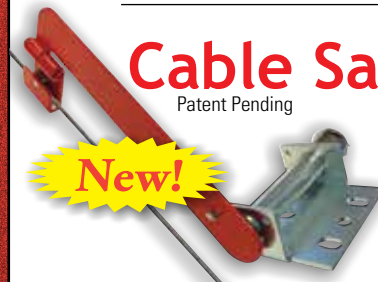
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