

MISCONDUCT IN OPENING STATEMENT

Rule 4-3.4 provides:

“A lawyer shall not: *** (e) in trial allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused.”

Common Mistakes

1. Advising jury of effect of verdict
2. Implying or stating an erroneous principle of law
3. Reference to insurance
4. Argumentative opening statement
5. Disparaging opposing counsel
6. Disparaging a party, claim, or defense
7. Violating *in limine* orders
8. Improper use of placards