
SERIOUS MISCONDUCT IN OPENING STATEMENTS
was discussed by Wil Fluegel of Minnesota in the
Minnesota Trial Lawyer for Spring 2001. He lists the
categories as:

- 1) Advising the jury as to the effect of the verdict.
- 2) Implying or stating an erroneous principle of law.
- 3) Reference to insurance.
- 4) Argumentative opening statements.
- 5) Disparaging opposing counsel.
- 6) Disparaging a party, claim or defense.
- 7) Responding to an "open door" or the "rule of justifiable retaliation" is permitted but requesting and receiving a curative instruction is usually preferred.
- 8) Violating *in limine* orders.
- 9) Improper use of placards.
- 10) Motions for dismissal after opening argument.

See also 75A Am.Jur.2d, Trial, §522 et. seq.; 31 West's Florida Digest 2d, Trial, §109 and pocket supp.; and Trawick, Florida Practice and Procedure, §22-19.