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Tipsheet on writing about misconduct by prosecutors:

Get grounded. The term "prosecutorial misconduct" covers a lot of turf. It includes such diverse forms of misconduct as failing to disclose evidence favorable to a defendant; knowingly using false evidence – for example, presenting a witness that the prosecutor knows is committing perjury; discriminating on the basis of race or gender during jury selection; and making improper arguments during trial. A good primer is "Prosecutorial Misconduct," a textbook by Bennett Gershman, a Pace University law professor. Gershman regularly updates the book, which summarizes all kinds of cases from across the country to illustrate the various forms of misconduct.

See if your local prosecuting office has created its own training manual on prosecutorial misconduct. If it has, get it. Chances are, the manual will provide numerous examples of local cases where appellate courts found that prosecutors crossed the line separating a fair trial from an unfair one. Find out who the prosecutors were in those cases, and add those rulings to your running tally of prosecutors found to have committed misconduct (to be discussed below).

Don't get drawn into a battle over semantics. Some prosecutors cry foul whenever journalists use the term "prosecutorial misconduct," saying "prosecutorial error" is more appropriate. But journalists didn't create the term. The legal profession did. If you need proof, just check out appellate opinions, law review articles and prosecution training manuals. And the phrase is appropriate anyway. Don't be afraid to use it. In Chicago, some members of the Cook County State's Attorney's Office complain whenever the Tribune uses the words prosecutorial misconduct, but what's the title of their own office's training manual? "Avoiding Prosecutorial Misconduct." It is what it is. Don't get hung up on terminology.

Regularly check appellate court opinions that apply to whatever jurisdiction you're covering. If a court reverses a conviction based upon prosecutorial misconduct, find out who the prosecutors were. The opinion itself probably won't identify the prosecutors, so this won't always be as easy as it sounds. At the Tribune we frequently have to pull court files and even trial transcripts to find out who did what. But it's worth doing because it will allow you to spot trends and identify repeat offenders by keeping a running tally of which prosecutors have committed which kinds of misconduct.

While keeping tabs on individual prosecutors, keep in mind that the various forms of misconduct tend to involve a wide range of culpability. Some kinds of misconduct are almost always unforgivable – for example, concealing evidence that could exonerate a defendant. Others are more understandable. For example, even principled and competent prosecutors will sometimes lose control during the heat of courtroom battle and say something they shouldn't have. But if the same prosecutor continually makes improper arguments or commits similar kinds of misconduct, the pattern itself can suggest a willful disregard of the rules governing a fair trial.

If you really want to write about prosecutorial misconduct in depth, learn how to use Lexis or Westlaw, the electronic databases that catalog appellate opinions from across the country. But a word of warning: They have distinctly different search languages, and each takes time to master. The databases can also be very expensive, particularly if you're paying by the individual search instead of negotiating a flat fee.