

SHIH-CHUN STEVEN CHIEN

Assistant Professor of Law | Cleveland-Marshall College of Law
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EDUCATION

Stanford Law School, JSD (Doctor of the Science of Law)

June 2019

Dissertation: *Making the Prosecution: Professional Socialization of Prosecutors*

Committee: David A. Sklansky (Chair); Lawrence M. Friedman; Deborah L. Rhode; Joan Petersilia

Stanford Law School, JSM (Stanford Program in International Legal Studies, SPILS)

June 2015

Thesis: *Miranda in Action? Interrogation Practices in Taipei City after the Adoption of Miranda*

Advisor: David A. Sklansky

University of California, Berkeley School of Law, Master of Laws (LL.M.)

May 2014

Thesis: *Asset Forfeiture Laws and Procedures: The Development of New Asset Forfeiture Systems in Taiwan*

Advisor: David A. Sklansky

National Chengchi University (NCCU), Taiwan, Master of Laws (LL.M.)

Jan. 2012

National Chengchi University (NCCU), Taiwan, Bachelor of Laws (LL.B.)

June 2009

RESEARCH AND TEACHING INTERESTS

Primary interests: Criminal Law, Criminal Procedure, Professional Responsibility, Comparative Law, Prosecutorial Ethics

Additional interests: Asian Legal Studies, Criminal Justice Reform, Empirical Legal Studies, Evidence, the Legal Profession

PROFESSIONAL EXPERIENCE

Assistant Professor of Law, Cleveland-Marshall College of Law (Cleveland, OH)

Aug. 2022 –

Research Social Scientist, American Bar Foundation (Chicago, IL)

July 2019 – Aug. 2022

ABF Project I: “*Portrait Project 2.0: Asian Americans in the Legal Profession Phase I – Creating Descriptive Datasets of Law School Enrollment and Judicial Clerkships*” (with Hon. Goodwin Liu & Ajay K. Mehrotra).

- Asian Americans have entered every facet of the U.S. legal profession. However, they are underrepresented in top leadership positions across all sectors. This research project examines the factors, from self-selection to discriminatory bias, that shape the careers of Asian American lawyers to understand why they are not reaching the upper echelons of the U.S. legal profession.

ABF Project II: “*Managing Expectations: Reform, Resistance, and Cultural Change in Prosecutors’ Offices*” (with ABF Senior Research Professor Stephen Daniels).

- This nascent empirical project examines how reform-minded prosecutors can optimize their authority as they implement policies to change their organizational culture, as well as promote diversity, equality, and inclusion.

* *We are working in collaboration with Fair and Just Prosecution (FJP), Law School Survey of Student Engagement (LSSSE), and several local prosecutors’ offices to conduct surveys and interviews.*

Editorial Committee, Law and Social Inquiry (LSI)

Sept. 2020 – Aug. 2022

- LSI Research Project: “*COVID-19, Academic Publishing, and the Peer-Review Process*” (principal survey designer). The study seeks to understand the effects of the COVID-19 pandemic on academic publishing, and particularly on those who are involved in the work of peer-reviewed academic journals. We hope to identify problems with academic publishing, both those that predated the pandemic and those it produced, and to help the academic community to better confront such problems.

Lecturer, Academy for the Judiciary, Ministry of Justice (Taiwan)

Chien

July 2018; Dec. 2019

- Designed a series of courses on the American criminal justice system for Taiwanese lawyers and judicial apprentices in the Academy for the Judiciary. Lectured on features of American criminal procedure and trials, including plea bargaining, pretrial litigation, trial preparation, jury selection, opening statement, direct and cross examination, and closing argument.

Fellow, Fair and Just Prosecution (FJP)*

June 2018 – Sept. 2018

- Conducted policy reform projects that focus on the issues of wrongful convictions, the use and misuse of big data by prosecutors, and the analysis on the Conviction Integrity Units (CIU) developed by the district attorneys' offices in the United States.
- Participated in programming calls to present policy reform proposals and to discuss a variety of areas in criminal justice reforms with elected district attorneys.
- Presented policy reform memo regarding the CIU to elected district attorneys and senior staffs in charge of the CIU. The memo will be revised into policy guidelines for district attorney's offices across the nation to consider.

* *FJP is a nonprofit organization in the United States that brings together recently elected district attorneys as part of a network of leaders committed to change and innovation of the criminal justice system.*

Law Clerk, Santa Clara County District Attorney's Office (California)*

June 2017 – Sept. 2017; June 2018 – Sept. 2018

- Coordinated with the head prosecutor of the Conviction Integrity Unit and personally reviewed individual cases regarding claims of innocence on issues related to police misconduct, microscopy, and DNA analysis.
- Prepared investigative reports and protocols to improve future practices.
- Coordinated with supervising prosecutors in restructuring the newly established Crime Strategies Unit (CSU). Surveyed the practices of prosecutors' offices in other jurisdictions, including Japan, Taiwan, and the United States.
- Reviewed trial records of the entire office between 2012 and 2016. Proposed reforms regarding office diversity, internal policy, and training programs based on evaluations of individual trial units' performance.
- Prepared trial motions and conducted legal research for prosecutors.

* Part-time position.

Research Assistant for Professor Lawrence M. Friedman, Stanford Law School

Sept. 2017 – May 2018

- Assisted Professor Friedman on research about the history of the criminal justice system in El Dorado County, California. Reviewed 277 court files from 1957 to 1962 to trace the flow of the criminal process from arrest to trial, sentencing, and punishment.

Nov. 2016 – June 2017

- Assisted Professor Friedman on a historical research project regarding domestic violence by reviewing and summarizing 268 court files from 1997 related to domestic violence cases in Orange County, California.

Law Clerk, San Francisco District Attorney's Office (California)*

June 2016 – Sept. 2016; June 2017 – Aug. 2017

- Participated in the Focused Deterrence and Gun Violence Prevention Project in the Crime Strategies Unit at the DA's Office.
- Conducted Social Network Analysis (SNA) on various crime data and presented the preliminary findings to DA George Gascón.
- Coordinated with the Gang Task Force Unit and participated in the weekly meeting of the Street Violence Response Team at the Mayor's Office.
- Assisted prosecutors on legal issues such as the implementation of *Miranda* warnings, California Three Strikes Laws, and various types of conservatorship proceedings. Formulated office policies regarding non-narcotic asset forfeitures and citizen arrests.
- Translated victims' interviews (from Mandarin Chinese/Cantonese to English) for prosecutors.

* Part-time position.

Team Member, The Blue-Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement (San Francisco District Attorney's Office/Stanford Law School)

Oct. 2015 – Mar. 2016

- Participated in a panel that was initiated by San Francisco District Attorney's Office to investigate potential

bias in the San Francisco Police Department.

- Assisted retired Santa Clara County Superior Court Judge LaDoris H. Cordell in coding police reports and estimating relevant legal issues.

Research Associate, Ministry of Justice (Taiwan)

Aug. 2013 – May 2014

- Participated in a research project for the Ministry of Justice (project title: “*Comparative Studies of Mutual Legal Assistance: A Focus on the Recent Judicial Reforms in Taiwan*”). Supervised research regarding non-conviction-based asset forfeiture and the future development of Taiwan’s asset forfeiture system.

Research Assistant, Institutum Iurisprudentiae, Academia Sinica (Taiwan)

June 2013 – July 2013

- Assisted researchers in formulating questions and conducting interviews with members of Taiwan’s Legislative Yuan regarding the constitutional aspects of legislative drafting.

Feb. 2012 – June 2013

- Researched and summarized various theories of punishment. Examined the issue of the death penalty in Taiwan’s legal system, including contemporary retributivism (*i.e.*, punitive emotions theory, reciprocity theory, and communicative retributivism), the ethics of capital punishment, and the relationship between the emotion of revenge and capital punishment in Taiwanese society.

Research Assistant, Criminal Law Research Center, National Chengchi University (Taiwan)

Feb. 2012 – Nov. 2012

- Consulted on a research project for the Ministry of Justice (project title: “*Mutual Legal Assistance, Extradition, and Removal Proceedings*”).
- Prepared report on issues of non-conviction-based asset forfeiture, civil forfeiture proceedings, extradition, and alternatives to extradition (*i.e.*, foreign prosecution and immigration procedures). Identified possible legislative and administrative options to overcome challenges surrounding Taiwan’s foreign relations.

Research Assistant, Judicial Yuan (Taiwan)

Sept. 2011 – Feb. 2012

- Participated in the construction of judicial databases for judges, as well as contributed to commentaries on Chapter 27 of Taiwan’s Criminal Code (*i.e.*, offenses against reputation and credit).
- Reviewed trial reports. Analyzed and summarized judicial opinions.

PUBLICATIONS

Shih-Chun Chien, *Cultivating the Sense: Culture Change in the Prosecutor’s Office*, 32 MINN. J. INT’L L. (forthcoming).

Using an ethnographic approach and organizational analysis, this paper provides a detailed case study of a prosecutor’s office (called “Taian”) in Taiwan. The goal of this paper is to chart a new path for the understanding of cultural change in modern prosecutors’ offices. It sees prosecutorial culture as a social control system based on shared norms and values. From this perspective, culture can influence prosecutors’ exercise of discretion, shape interpretations of events, and guide attitudes and behavior. Building on four years of fieldwork, this paper reconceptualizes cultural change as a contested process: a “jurisdictional battle” between sense-makers – those who help individual prosecutors “make sense of” their professional roles, ethical responsibilities, skillsets, and the like.

Shih-Chun Chien, *Who Wants to be a Prosecutor? And Why Care? Law Students’ Career Aspirations and Reform Prosecutors’ Goals*, 65 HOWARD L.J. 173 (2021) (lead author with Stephen Daniels).

This paper explores the “progressive prosecutor movement” and the growing need for changing the working cultures of prosecutors’ offices to align with the vision of reform-minded prosecutors. It examines the idea of “fit” between reform-minded prosecutors and law student applicants. Using Law School Survey of Student Engagement (LSSSE) survey data from 2007-2018, this paper investigates the importance of student motivations for attending law school and the connections to students’ career aspirations – in particular, the expectation of working as a prosecutor. The paper also discusses the size and nature of the hiring pool with an emphasis on the race and gender – along with debt levels – of law students. We conclude by making several policy recommendations about potential collaborations between prosecutors and law schools and between prosecutors and non-profits that may expand the presently small pool of potential hires. The paper also discusses the importance of experiential learning opportunities that connect law students with reform prosecutors and the criminal justice system.

Shih-Chun Chien, *Miranda in Taiwan: Why It Failed and Why We Should Care*, 17 U. PA. ASIAN L. REV. 1 (2022).

This Article relates the cautionary tale of the unintended consequences of the “dignitary process” embedded in Taiwan’s interrogation practices. Under Taiwan’s abbreviated *Miranda* system, suspects are encouraged to cooperate and give statements under the perception that they have been, and will continue to be, treated with politeness, dignity, and respect. This Article raises concerns that police and prosecutors can utilize the appearance of fair procedure (providing dignity, respect, and voice to suspects) by manipulating the *Miranda* mechanism to build rapport with suspects and distract them from the actual consequences of their full cooperation. *Miranda* in Taiwan has become a double-edged sword: it provides dignified and respectful treatment for suspects while simultaneously placing heavy extralegal burdens on them to cooperate with law enforcement agencies. Because Taiwan’s criminal justice system is a combination of western legal concepts and traditional Chinese social and cultural notions, *Miranda* and related rules have led to ever-greater discrepancies between what is written in the law books and how police interrogate in practice, and ever-greater gaps between suspects’ expectations and prosecutorial realities. Taiwan is not alone: more than one-hundred jurisdictions around the world now require warnings similar to the *Miranda* rule. It is possible that they suffer similar unintended consequences. I thus explore the effectiveness of alternative innovations beyond *Miranda* that could potentially reduce false confessions and minimize the risks caused by current interrogation practices.

Shih-Chun Chien, *Sociolegal Research, the Law School Survey of Student Engagement, and Studying Diversity in Judicial Clerkships*, 69 J. LEGAL EDUC. 530 (2020) (lead author with Ajay K. Mehrotra and George Wang).

This article highlights how long-term empirical and interdisciplinary research projects can benefit from use of Law School Survey of Student Engagement (LSSSE) data. After identifying and explaining how and why LSSSE data is invaluable for scholars studying legal education and the legal profession, the paper describes how empirical and interdisciplinary, sociolegal research at the American Bar Foundation (ABF) and elsewhere has used LSSSE data. Finally, this paper leverages LSSSE evidence to explore law student career preferences and expectations about judicial clerkships.

Shih-Chun Chien, *Crime and Punishment in Gold County: A Historical Case-Study*, 24 BERKELEY J. CRIM. L. 81 (2019) (with Lawrence M. Friedman).

This article provides a historical snapshot of the criminal justice system as it operated in El Dorado County, California, between 1951 and 1961. It examines the relationships between various elements of the criminal justice system as well as the relationships between the system and the larger society. This paper portrays a criminal justice system that, on the whole, dealt with crimes as a parent might deal with a disobedient child: firmly, but not harshly.

Shih-Chun Chien, *State Update: California Cries for Help: Domestic Violence Restraining Orders in Orange County*, 32 AM. J. FAM. L. 75 (2018) (with Lawrence M. Friedman).

This paper examines domestic violence court files from Orange County, California from 1977. It portrays the voices of domestic violence survivors. The article covers four topics: (1) the parties’ reactions to the legal system; (2) why the victims sought (or refused to seek) protection; (3) the causes and cycles of violence; and (4) the role of the law enforcement agencies.

Work in Progress

“Diversity and Judicial Clerkships”

As part of the *Portrait Project 2.0*, this article seeks to provide an empirical account of the diversity of law clerks in the U.S. Courts of Appeals. This article examines three critical inflection points in the clerkship selection process: (1) law student/clerkship applicant decisions based on perceptions, preferences, and ambient signals; (2) institutional support from law schools through faculty, staff, and administrator engagement with the clerkship process; and (3) criteria and selection processes used by judges.

“Why the Best Practices Approach Is Not Always the Best: Studying the Conviction Integrity Unit Through an Organizational Perspective”

The proliferation of Conviction Integrity Units (CIUs) across the U.S. shows the public that District Attorneys’ Offices can have programs in place for investigating claims of wrongful convictions, and that prosecutors take seriously the responsibility of remedying past mistakes and improving future practices. This paper scrutinizes CIU “best practices” through the lens of organizational analysis and argues that existing legal and institutional frameworks are insufficient for CIUs to be successful.

“Serving the Public Good: Some New Data on an Old Question”

This paper examines whether the COVID-19 pandemic and other recent civil justice reform/Black Lives Matter (BLM)-type movements affect students’ motivations for attending law school and their career aspirations. It utilizes data from surveys of U.S. law students conducted by LSSSE between 2010 and 2021. This paper asks

two central questions: (1) are students' motivations for attending law school different in this changed world compared to those found in the 2010 data; (2) are the relations between students' motivations and career aspirations different.

Selected Publications in Chinese

“The Conflicting Images of a Good Prosecutor: A Comparative Review of Prosecutorial Practices in the United States and Taiwan, *The Handbook of Taiwanese Law and Society Study* (forthcoming).

“Civil Asset Forfeiture, Equitable Sharing, and Policing for Profit in California: A Cautionary Tale for Taiwan,” *Taiwan Law Review*, No. 265, Taipei: Angle Publishing (2017).

“The Objective Requisites of Citizen’s Arrest: Comparative Studies on the Provisional Arrest in the German Code of Criminal Procedure (StPO),” *Taipei University Law Review* (*Taiwan Social Science Citation Index, TSSCI*), Vol. 98, New Taipei City: National Taipei University (2016).

“Overview of California’s Three Strikes Law and Policy,” *Taiwan Prosecutor Review*, Vol. 19, Taipei: Taiwan High Prosecutors Office (2016).

“The Necessity of Constructing a Non-Conviction-Based Criminal Forfeiture System: A Comparative Analysis of American and German Legislation,” *Taiwan Law Review*, No. 241, Taipei: Angle Publishing, with Professor Yun-hua Yang (2015). Subsequently included as a book chapter in *New Forfeiture Law II: New Era of Economic Criminal Laws*, Taipei: Angle Publishing (Yu-hsung Lin eds., 2016).

“The Application of Hue and Cry in the Arrest of Flagrante Delicto: A Focus on the Felony Committed Thesis in the Regime of Citizen’s Arrest,” *Journal of New Perspectives on Law*, No. 41, Taipei: Angle Publishing (2013).

Selected Presentations

“A Portrait of Asian Americans in the Law 2.0: Identity and Action in Challenging Times,” presented at *2022 National Asian Pacific American Bar Association (NAPABA) Convention*, Las Vegas, NV, 5 Nov. 2022 (with Hon. Goodwin Liu & Ajay K. Mehrotra).

“Cultivating the Sense: Culture Change in the Prosecutor’s Office,” presented at *New York Law School, 2022 Criminal Justice Ethics Schmooze*, 8-10 June 2022.

“Diversity and U.S. Judicial Clerkships: Preliminary Findings from the Law School Study,” presented at *Law and Society Association Annual Conference*, virtual meeting, 16 July 2022 (with Ajay K. Mehrotra).

“Miranda Worldwide,” invited speaker at *Northwestern Pritzker School of Law, Contemporary Problems in Criminal Procedure*, 21 Feb. 2022.

“Diversity and Judicial Clerkships: Law School Study,” presented at *2021 National Asian Pacific American Bar Association (NAPABA) Convention*, DC, 10 Dec. 2021 (with Ajay K. Mehrotra).

“Diversity and U.S. Judicial Clerkships,” presented at *Law and Society Association Annual Conference*, virtual meeting, 30 May 2021 (with Ajay K. Mehrotra).

“Diversity and Judicial Clerkships,” presented at *National Association for Law Placement (NALP) Annual Education Conference*, 29 Apr. 2021 (with Hon. Goodwin Liu, Ajay K. Mehrotra & Hon. Jeremy Fogel).

“Portrait Project 2.0.: Asian Americans in the Legal Profession,” presented at *Stanford Program in Law and Society*, 1 Mar. 2021.

“Who’s Interested in the Public Service? A Longitudinal Examination of Law Students’ Career-Relevant Aspirations, Expectations, and Motivations,” presented at *American Bar Foundation Faculty Workshop*, 13 Jan. 2021 (with ABF Senior Research Professor Stephen Daniels).

“Roundtable on Exclusion in the Asian American Community,” presented at *American Bar Association Section of Civil Rights and Social Justice*, 6 Oct. 2020.

“Diversity and U.S. Judicial Clerkships,” presented at *Law and Society Association Annual Conference*, virtual meeting, 30 May 2020 (with Ajay K. Mehrotra).

“Miranda’s Failure, But Should We Care? Exploring False Confessions and Alternatives to *Miranda* Through the Lens of Taiwan,” presented at *Law and Society Association Annual Meeting*, Mexico City, Mexico, 20-23 June 2017.

“The Making of Prosecutors: Effects of Career Path and Self-images on the Prosecutorial Role,” presented at *North American Taiwan Studies Association (NATSA)*, Stanford, CA, 25-27 May 2017.

“Police Interrogation, False Confession, and Expert Testimony: Reforming the Criminal Justice System Through Social Science Studies,” presented at *Yale Law School Sixth Annual Doctoral Scholarship Conference*, New Haven, CT, 11-12 Nov. 2016.

“Democratic Transition, Political Change, and the Taiwanese Prosecutors: A Comparative Perspective on the Taiwanese Prosecutorial System,” presented at *Law and Society Association, 2016 Graduate Student Workshop*, New Orleans, LA, 1 June 2016.

“Democracy, Constitution Order, and Police Reforms,” presented at *Fifth Annual YCC (Younger Comparativists Committee) Global Conference*, New Orleans, LA, 18 Mar. 2016.

Other Publications

AMERICAN JURY SYSTEM, *Prosecutors Digest** (ongoing series).

**Prosecutors Digest* is a professional legal journal published by Taiwan’s Ministry of Justice.

“Blog Post: Why Motivations Matter Revisited: More So Now,” *Law School Survey of Student Engagement* (2021), with ABF Senior Research Professor Stephen Daniels.

“Blog Post: Beyond Enrollment: Why Motivations Matter to the Study of Legal Education and the Legal Profession?,” *Law School Survey of Student Engagement* (2020), with ABF Senior Research Professor Stephen Daniels.

“Blog Post: Empirical Sociolegal Research and the Use of LSSSE Data,” *Law School Survey of Student Engagement* (2020), with Ajay K. Mehrotra.

“The Blue Wall of Silence: How Do We Deal with Police Corruption,” *Taipei District Prosecutors Office Archive* (2018).

“People’s Participation: How Do Taiwanese Prosecutors Make Justice?” *The Storm Media* (Date: 1/11/2018).

“The Changing Role of American Prosecutors – The Development and Challenges of the Crime Strategies Unit,” *The Storm Media* (Date: 3/1/2017).

HONORS AND AWARDS

Honor Law Clerk, San Francisco District Attorney’s Office, 2017

Winner, TOEFL® Scholarship, Educational Testing Service, 2013

First Prize, Graduate Students Paper Competition, Taiwan Law Society, 2012

President’s Roll, National Chengchi University, 2009

Taipei City Government Excellence Award, 2005

SELECTED FELLOWSHIPS AND GRANTS

Doctoral Dissertation Fellowship, Chiang Ching-kuo Foundation for International Scholarly Exchange, 2018-2019

Stanford Law School, Public Interest Funds, 2016-2018

Government Scholarships to Study Abroad (GSSA), Ministry of Education, Taiwan, 2016

JSD Scholarship, Stanford Law School, 2015-2018

Selected Participant (with Travel Grant from Stanford Law School) for the Second National Security Crisis Law Invitational, Georgetown Law School (Team Advisor: Professor Allen S. Weiner), 2015

Graduate Student Scholarship, National Chengchi University, 2010

Awards for College Student’s Research Project, National Science Council, Taiwan, 2007

Project Title: “*On the Third Way of Legal Theory: Case Studies of Taiwanese Supreme Court’s Decisions*”

PROFESSIONAL AFFILIATIONS

Stanford Program in Law and Society (SPLS)

President, 2018 – 2019

Board Member, 2016 – 2018

North American Taiwan Studies Association (NATSA)
Program Committee, 2017 – 2018

Berkeley Journal of Criminal Law
Editor, 2013 – 2014

LANGUAGE PROFICIENCY

Mandarin Chinese (native); Cantonese (native); Taiwanese Holo (fluent); German (basic); Japanese (basic)

COMPUTER LANGUAGES AND SOFTWARE PACKAGES

STATA (statistical analysis program)

R (data analysis program)

Gephi (network analysis and visualization software package)

ATLAS.ti (qualitative research data analysis program)

Qualtrics (online survey tool)

REFERENCES

David A. Sklansky

Stanley Morrison Professor of Law, Stanford Law School
(650) 497-6580, sklansky@stanford.edu

Ajay K. Mehrotra

Research Professor, American Bar Foundation
Professor of Law, Northwestern Pritzker School of Law
(312) 988-6500, akm@abfn.org

Lawrence M. Friedman

Marion Rice Kirkwood Professor of Law, Stanford Law School
(650) 723-3072, lmf@stanford.edu

Hon. Goodwin Liu

Associate Justice, California Supreme Court
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Abbe Smith

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Stephen Daniels

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Charles Weisselberg

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(510) 643-8159, cweisselberg@law.berkeley.edu

Deborah Hensler

Judge John W. Ford Professor of Dispute Resolution, Stanford Law School
(650) 723-0146, dhensler@stanford.edu

David Angel

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