**中研院法律所「美國行政法與管制理論」工作坊**

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1. **工作坊名稱：**美國行政法與管制理論

**二、工作內容（研習方式、期間、及研習資料等）**

本工作坊將透過閱讀美國聯邦最高法院及聯邦上訴巡迴法院的經典案例，逐步瞭解美國行政法實務的運作方式及審查模式。本工作坊之閱讀份量大約每雙週二十頁，以判決閱讀為主，輔以美國行政法學的相關討論。

本工作坊共計十二週，每次二小時。除講員解釋判決內容外，並將以問答方式進行案例研究。授課時間預計為每隔週三下午15:00-17:00。

**三、教材：**

1. Stephen Breyer, Richard Stewart, Cass Sunstein, Adrian Vermeule, and Michael Herz, Administrative Law and Regulatory Policy: Problems, Text and Cases (Seventh Edition, 2011).
2. Jerry L. Mashaw, Richard A. Merrill, Peter M. Shane, Administrative Law: The American Public Law System: Cases and Materials (Sixth Edition, 2009).
3. Peter Strauss (ed), Administrative Law Stories, Foundation Press (2006).

**四、課程進度**

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| **週次**  **（日期）** | **內容** |
| **第一週**  **（2/24）** | **美國行政法緒論/Non-Delegation Doctrine (I)**  *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935) |
| **第二週**  **（3/9）** | **Non-Delegation Doctrine (II)**  *American Trucking Associations, Inc. v. Environmental Protection Agency*, 175 F.3d 1027 (D.C. Cir. 1999)  *Whitman v. American Trucking Associations, Inc.* , 531 U.S. 457 (2001) |
| **第三週**  **（3/23）** | **Questions of Law**  *United States v. Fifty-Three Eclectus Parrots*, 685 F.2d 1131 (9th Cir. 1982)  *NLRB v. Hearst Publications*, 322 U.S. 111 (1944)  *Zhen Li Iao v. Gonzales*, 400 F.3d 530 (7th Cir. 2005)  *Auer v. Robbins*, 419 U.S. 452 (1997) |
| **第四週**  **（4/13）** | **Question of Fact (I)**  *Industrial Union Department v. American Petroleum Institute*, 448 U.S. 607 (1980) [\* The Benzene Case] |
| **第五週**  **（4/27）** | **Questions of Fact (II)**  *Allentown Mack Sales and Service v. National Labor Relations Board*, 522 U.S. 359 (1998) |
| **第六週**  **（5/11）** | **Scope of Review – Reviewability & Hard Look (I)**  *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402 (1971) |
| **第七週**  **（5/25）** | **Scope of Review – Hard Look (II)**  *Motor Vehicle Manufacturers’ Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29 (1983) |
| **第八週**  **（6/8）** | **Chevron Doctrine**  *Chevron U.S.A., Inc v. Natural Resources Defense Council*, 467 U.S. 837 (1984) |
| **第九週**  **（6/22）** | **Mead – Step Zero**  *United States v. Mead Corporation*, 533 U.S. 218 (2001) |
| **第十週**  **（7/6）** | **Deference: Skidmore**  *Skidmore v. Swift & Co*., 323 U.S. 134 (1944)  *Mass. V. EPA*, 549 U.S. 497 (2007) |
| **第十一週**  **（7/20）** | **Chevron Step II: Agency’s Reasonable Interpretation**  *Michigan v. EPA* (2015)  *FERC v. Electric Power Supply Association* (2016) |
| **第十二週**  **（8/3）** | **Skidmore, Chevron Deference and the aftermath (II)**  *Michigan v. EPA*, 576 U.S.\_\_\_\_(2015) |