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## AN INVENTORY OF THE CRIMINAL JUSTICE CURRICULUM OF AMERICAN LAW SCHOOLS

PAUL M. KURTZ \*

The purpose of this study is to examine the structure of the criminal justice curriculum in the American law school. This entails an analysis of what courses are being offered, how many hours of classroom instruction (both required and elective) are available, and when during the educational process the student is exposed to criminal law courses. The reason for undertaking the study is to provide at least a gross picture of what the present situation is as a guide to what we as a profession or as individual schools might like to do by way of improving the structure. Hopefully, it may serve as a catalogue of what is going on so that suggestions for improvement can be made at individual schools. Perhaps it may give fodder to those "criminal law departments" seeking to convince their colleagues that more of their school's total curriculum ought to be (and at other schools is being) devoted to criminal justice. Additionally, as we identify schools which seem to have unique ways of handling the criminal justice curriculum we may all benefit from the reasoning behind those particular plans.

The methodology used to paint this picture of the current situation was an analysis of the course catalogue of each of the American law schools. A total of 167 schools were studied, with the great majority of catalogues being those in use during the current school year. Aside from three 1975-76 catalogues and 21 catalogues from 1976-77, all catalogues were from either this year (102) or next (41). The author used this approach recognizing its inherent weaknesses. First, catalogue descriptions are often very cryptic and pro forma, with some catalogues only listing the title of a course or seminar. Imagine trying to make a precise analysis of the content of a seminar with the entry "Problems in the Criminal Law—Instructor to Be Announced, Credit to Be Arranged." (Don't worry. I didn't attempt that analytical task. I simply left those alone in a big heap. See p. 26). A second problem is that even where a course description for two courses in different schools is exactly the same, different professors will come to the course with different biases, interests, emphases, coursebooks and levels of competence. Of course, the same phenomenon can occur where 2 colleagues teach the same course at the same school. Thus, two teachers, in teaching the "same" course, will be transmitting entirely different bodies of knowledge. A final problem that catalogue analysis presents is that many catalogues may reflect a listing of any course that has ever been taught or authorized at a particular school. There is no guarantee that a course is taught regularly or taught at all.

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This is a particular problem with seminars which are often based on the personal interests and research preferences of particular instructors, sometimes long since departed.

Despite these drawbacks, this approach was selected as the only feasible one, given the time and resources available. The author attempted to combat the weaknesses in the approach by being aware of them and exercising a judicious eye in categorizing various courses. Of course, you take the report with the understanding that it is at best a gross statement of the current situation and reflects any and all biases I bring to the effort. I will further combat the methodology's weaknesses by having in Durham the original note cards from which I worked in compiling the data. Actually the course descriptions, I have found, fall into predictable patterns and I am fairly confident of the accuracy of the categorization of most of the courses. I will confess that categorization is weakest in the areas of seminars, where some of the course descriptions are fairly nebulous. But, after all, isn't that what seminars are supposed to be? The bottom line is that this study is only a study of catalogues and if you want a completely accurate approach you will have to interview each faculty member teaching in the criminal justice field or, to be even more precise, attend each of the classes taught by each of them. Can you think of anything more delightful?

Some preliminary information is necessary to understand the methodology. First, to eliminate the confusing situation involved in comparing schools on the quarter system and schools on the semester system, all courses are described in terms of the number of classroom hours spent in the course. This was computed by assuming that quarter-system schools operate with 10-week quarters and semester-system schools operate with 15-week semesters. Thus a three credit one quarter course is equal to 30 classroom hours, while a three-credit semester course is equal to 45 classroom hours.

Second, only offerings described as courses were converted into classroom hours and included in the total criminal justice offering at a particular school. This was because of two reasons: (1) seminars often are conducted on a sporadic meeting schedule with perhaps only half the number of hours "prescribed" for the course actually spent in the classroom. Although there is nothing magic in the number of hours spent in a room with a desk and chairs, since that was the standard used for courses, it was felt that including seminars would skew the comparison among schools; (2) seminars are often included in the catalogue but not often offered. For these two reasons, the total criminal justice curriculum classroom hours does not reflect seminars. It was felt the only valid use that could be made for the seminars was a listing of the subject matter covered by the courses.

Third, the categorization of courses was made not necessarily on the titles given by the catalogue, but rather on what was perceived to be the substance of the course offering. Thus, since the course listing "criminal

process" was not used in this study, courses bearing that title are subsumed within other categories. This leads to a description of the categories that *were* used in the study. "Substantive criminal law" is used herein to describe a course dealing with the general principles of the criminal law, like *mens rea*, *actus reus*, general defenses, criminal responsibility and, usually, some specific crimes or categories of crimes like homicide and the theft offenses. A course generally remained in this category even though its description included reference to a general introduction into the criminal justice system. This was particularly true in cases where the course was a relatively short one. In some situations, where the course was a full year effort at a school whose upperclass electives did not include a procedure course, this type of course with reference to an overview of the criminal justice system was included as a "substance/procedure" course.

The "substance/procedure" course normally consisted of a course on the substance of the criminal law and some significant introduction into the constitutional aspects of criminal procedure, from arrest through adjudication and sentencing. Of course, different "substance/procedure" courses place varying weights on the component portions, but the catalogue rarely reflected this and therefore this category includes a wide range of courses.

The "procedure" course was one which concentrated solely on the non-substantive area of criminal law. The emphasis here is usually on the Fourth, Fifth and Sixth Amendments and how they have been implemented in the criminal justice system. Some of these courses go through sentencing to post-conviction relief and, in some cases, prisoner's rights and corrections. However, most of these stop at sentencing.

Several categories of upperclass electives were identified. They are comparative criminal law/procedure, post-conviction relief, prisoner's rights, sentencing, sentencing and corrections, juvenile law and criminal trial advocacy. These were the course topics that came to the author's mind at the beginning of the study and, thus, these were what were looked for. Another group of courses/seminars were also identified and are listed at the end of the paper in appendix B.

The first task was to identify those schools requiring that every student graduating from its law school have a criminal justice course of one sort or another. A total of 158 of the 167 American law schools do require this. The only exceptions are Boston College, Boston University, the University of Denver, the University of Indiana-Bloomington, the University of Louisville, the University of Minnesota, University of Nebraska, Ohio State and Franklin Pierce. This is not to suggest that these schools skimp on the total criminal justice offering. In fact, Ohio State offers 200 classroom hours of criminal justice, a total which places it in the upper half of the 167 schools' offerings.

What is required at the 158 schools which do require a criminal justice course to be taken? There are 79 schools which require only a

substantive criminal law course to be taken. Seventy-seven of these schools require that it be taken in the first year. Yale does not specify any year, but requires that it be taken before graduation and Willamette requires that it be taken in the second year. The breakdown of the number of hours devoted to the substantive criminal law course when it is the only thing required is as follows:

- 30 classroom hours—2 schools (Indiana—(I); Loyola—(Chi.))
- 40 classroom hours—6 schools
- 45 classroom hours—52 schools
- 50 classroom hours—1 school
- 60 classroom hours—15 schools
- 70 classroom hours—1 school (Florida State)
- 75 classroom hours—1 school (Hastings)
- 80 classroom hours—1 school (University of Chicago)

There are 72 schools that require exposure to both substantive and procedural criminal law during the three years of law study. The vast majority of the schools in this category do this by requiring first year students to take a combined substance/procedure course. The breakdown of the hours for these first year substance/procedure courses for the 55 schools that require them is as follows:

- 40 classroom hours—1 school (Baylor)
- 45 classroom hours—3 schools (American \*, Idaho, Pace)
- 50 classroom hours—1 school
- 60 classroom hours—14 schools
- 70 classroom hours—1 school
- 75 classroom hours—12 schools
- 80 classroom hours—2 schools
- 90 classroom hours—20 schools
- 120 classroom hours—1 school (Arkansas (Fayetteville) \*)

It can be seen that the typical first-year substance/procedure course is a 3 hours fall/3 hours spring breakdown for a semester school or a four hour, one semester course or a three, three breakdown for two quarters at a quarter school.

Twelve schools require an exposure to substance and procedure, but break it up over the first and second years with the first year's course devoted to substantive law and the second year to procedural issues. These schools are as follows:

- Campbell College — 45 hours first year—30 hours second year
- Inter-American — 60-60
- John Marshall — 45-30

\* American also requires a 45-hour second-year substance/procedure course, while Arkansas apparently has taken the Chief Justice's admonitions to heart and requires trial advocacy as a pre-requisite to graduation. Presumably, this is at least in part devoted to criminal work.

Loyola (LA)	— 30-60
Montana	— 45-45
Northern Kentucky	— 45-45 *
Puerto Rico	— 60-75
San Diego	— 45-45
San Francisco	— 45-45
SMU	— 30-45
Texas Tech	— 30-45
Southern U.	— 45-45

Five other schools require second year students to take a combined substance/procedure course. These schools are Baltimore, Dayton, Marquette, North Carolina Central and William & Mary. All of these courses are 90 hours except for Marquette's which is 75 classroom hours.

A total of five schools require an exposure only to procedure during the three years of law school. Four of these schools, Arizona, Georgetown, Pennsylvania and South Carolina require that a 60-hour course be taken in the first year, with the University of Mississippi requiring a 45 hour criminal procedure course be taken some time prior to graduation. All five of these schools offer substantive criminal law as an elective.

Two schools require some criminal justice work but do not fit into any of the above categories. Oklahoma City requires that second year students take either a course in the substantive criminal law *or* criminal procedure. The University of Texas, on the other hand, requires that one of a group of criminal justice courses be taken at some time before graduation.

Viewing the required course issue from a different perspective, there were a total of 148 required first-year courses at the 167 schools. A total of 89 were substantive, 55 were substantive/procedural and 4 were purely procedural.

The breakdown of the 89 substantive first-year courses is as follows:

30 classroom hours —	5 schools (Indiana-I; Loyola-Chi.; Loyola-LA;* SMU;* Texas Tech *)
40 classroom hours —	6 schools
45 classroom hours —	57 schools
50 classroom hours —	1 school
60 classroom hours —	17 schools
70 classroom hours —	1 school (Florida State)
75 classroom hours —	1 school (Hastings)
80 classroom hours —	1 school (University of Chicago)

\* At Northern Kentucky, the second year student is required to take either criminal procedure or constitutional law.

\* Require procedure in second year.

The breakdown of the 55 substantive/procedure first year courses and the 4 first year procedure courses is given above at pages 167 & 168.

Most of the catalogues indicated at what time in the first year, the required criminal justice course was given. This breakdown is as follows, so far as the information was available:

#### Semester System Schools

##### *Fall*

45-hour course — 28 schools  
60-hour course — 12 schools

##### *Spring*

45-hour course — 14 schools  
60-hour course — 6 schools

##### *Fall, Winter*

30 hours, 30 hours — 5 schools  
45 hours, 30 hours — 3 schools  
30 hours, 45 hours — 8 schools  
45 hours, 45 hours — 20 schools  
60 hours, 60 hours — 1 school

#### Quarter System Schools

##### *Fall, Spring*

20 hours, 40 hours — 2 schools

##### *Fall, Winter*

40 hours, 40 hours — 1 school  
20 hours, 30 hours — 1 school

##### *Winter, Spring*

30 hours, 30 hours — 1 school  
40 hours, 40 hours — 1 school

##### *Winter*

40 hours — 1 school

##### *Fall*

40 hours — 2 schools

##### *Fall, Winter, Spring*

1 school

##### *Spring*

3 schools

One school on the quarter system, Cleveland State, offered the course either as a four-hour course in the fall or as two consecutive 2-hour courses in the fall and winter.

Leaving the area of the required criminal justice course, the most popular criminal justice elective noted in the catalogues was criminal procedure. The field of criminal procedure, including police practices, indictment, discovery, trial rights, sentencing, and, at times, post-conviction actions, was usually offered either in one or two courses, with varying amounts of hours. As might be expected the availability of hours in criminal procedure electives was usually directly related to the type of required criminal justice course at a particular school. Most of those schools which require an exposure to procedure offer no further criminal procedure course. At those schools which require either procedure or substantive/procedure and do offer procedure electives, the elective offerings in the general field of criminal procedure is less than at those schools which require either nothing or only substantive criminal law.

The breakdown of criminal procedure electives at the 167 schools is as follows: (It is to be stressed that these electives are only the general ones, not ones which focus on particular parts of the process, like post-conviction relief, etc.)

0 hours	-----	50 schools (44 of these were ones which require some type of procedure)
30 hours	-----	17 schools
40 hours	-----	2 schools
45 hours	-----	42 schools
50 hours	-----	1 school
60 hours	-----	12 schools
75 hours	-----	4 schools
80 hours	-----	4 schools
90 hours	-----	25 schools
105 hours	-----	2 schools
* 30-50 hours	-----	1 school
* 30-60 hours	-----	1 school
* 90-150 hours	-----	1 school
* 30-45 hours	-----	2 schools
* 20-30 hours	-----	1 school
* 30-40 hours	-----	1 school
* 45-60 hours	-----	1 school

\* These totals reflect courses which have variable credit values.



To correlate the relationship between the type of required course(s) and the criminal procedure electives, notice the following breakdowns:

**PROCEDURE ELECTIVES IN SCHOOLS REQUIRING  
ONLY A SUBSTANTIVE COURSE**

<u>0 hours</u>	<u>30 hours</u>	<u>40 hours</u>	<u>45 hours</u>
6 schools *	6 schools	1 school	24 schools
<u>60 hours</u>	<u>75 hours</u>	<u>80 hours</u>	<u>90 hours</u>
10 schools	3 schools	3 schools	22 schools
<u>105 hours</u>			
1 school			

**PROCEDURE ELECTIVES IN SCHOOLS REQUIRING  
SOME PROCEDURE**

<u>0 hours</u>	<u>30 hours</u>	<u>45 hours</u>	<u>60 hours</u>
44 schools	11 schools	13 schools	1 school
<u>90 hours</u>		<u>105 hours</u>	
2 schools		1 school	

**PROCEDURE ELECTIVES IN SCHOOLS REQUIRING  
NO CRIMINAL JUSTICE**

<u>40 hours</u>	<u>45 hours</u>	<u>60 hours</u>
1 school	4 schools	1 school
<u>75 hours</u>	<u>80 hours</u>	<u>90 hours</u>
1 school	1 school	1 school

As for other specialized criminal law electives (seminars or courses), the survey identified a total of 81 schools offering a course in juvenile law, which touched upon the disposition of juveniles in a quasi-criminal context. It should be added that some of these courses included some material on the deprived-child aspect of the juvenile court system. These schools are listed in Appendix A.

A total of 37 schools offer criminal trial advocacy as an elective. Most of these courses are given as companions to the civil trial advocacy course and concentrate on mock trials, with lectures in strategy, techniques, interviewing witnesses, etc. These schools are also listed in the appendix. Forty-eight schools have seminars or courses in sentencing and corrections. These kinds of courses address issues like length of sentences, probation/parole, prisoners' suits, etc. A list appears in Appendix A.

\* Detroit College, Duquesne, Fordham, Miami, Seton Hall, Valparaiso (apparently the only exposure to the 4th, 5th and 6th Amendments at these schools would be in clinical offerings or general constitutional law course.)

Nineteen schools in the survey were identified as offering courses or seminars specializing in the field of postconviction relief. These courses usually deal with both state and federal postconviction actions, jurisdictional questions, venue problems, the history of the writ of habeas corpus, the procedural aspects, etc. These courses are also included in Appendix A.

Sixteen courses in the rights of the prisoner were identified in the survey. The usual course content includes the constitutional rights that prisoners possess, the procedural distinctions between various remedies for violation of these rights, etc. Comparative criminal law and/or procedure electives are offered at 12 schools and three schools offer courses concentrating solely on the sentencing process.

Finally, an attempt was made to categorize the 167 schools with regard to the total amount of classroom hours of instruction in criminal justice courses at each school. The results are as follows:

Total Classroom Hours	Number of Schools
45	3
60	4
70	1
75	6
90	17
100	2
105	11
110	5
115	3
120	13
130	1
135	12
140	3
150	11
160	0
165	12
170	2
180	14
195	7
200	1
210	7
220	1
225	5
230	1
240	5
255	3
270	6
285	2
300	1
315	2
345	2
360	1
405	1 (Wayne St.)

**Appendix A**  
**Most Of These Are Listed As Courses**

**Juvenile Courts—Juvenile Law**

U. Akron  
Albany  
Antioch  
Arizona State  
U. Arkansas—Fayetteville  
U. Baltimore  
Baylor  
Boston College  
Boston University  
Brooklyn  
SUNY—Buffalo  
Hastings  
U.C. Davis  
UCLA  
Cal. Western  
Capital  
Columbus—Catholic  
U. Cincinnati  
Columbia  
Cornell  
Creighton  
U. Denver  
U. Detroit  
Emory  
Florida State  
Georgetown  
Golden Gate  
Hamline  
Harvard  
Hofstra  
Ill. Tech.  
Ind.—Indianapolis  
Ind.—Bloomington  
U. Iowa  
U. Kentucky  
U. Louisville  
Loyola—Chicago  
Loyola—Maymount  
Loyola—N.O.  
U. Maine  
Memphis State  
Mercer  
U. Minn.  
U. Mississippi  
U. Missouri—K.C.  
N.Y. Law School  
Salmon P. Chase  
Northwestern  
Nova U.  
Ohio Northern  
U. Oklahoma

U. Oregon  
McGeorge  
U. Pa.  
Pepperdine  
U. Pittsburgh  
U. Puget Sound  
U. Richmond  
Rutgers—Camden  
Rutgers—Newark  
St. Louis  
St. Mary's  
U. San Diego  
U. S. Carolina  
SMU  
U. So. Cal.  
S. Texas  
Stanford  
Suffolk  
Temple  
Thurgood Marshall  
Texas Tech  
U. Toledo  
Tulane  
Vanderbilt  
Vermont  
U. Va.  
Washington U.  
Wayne State  
William & Mary  
William Mitchell

**Criminal Trial Practice**

Albany  
Baylor  
Boston College  
Boston University  
Lewis & Clark  
LSU  
Loyola—Maymount  
U. Missouri—K.C.  
New York Law School  
NYU  
Northeastern  
McGeorge  
U. Puget Sound  
U. Richmond  
Rutgers—Newark  
St. John's  
Samford  
U. San Francisco  
U. S. Carolina  
U. So. Cal.  
Southwestern  
Stetson

Suffolk  
Temple  
Thurgood Marshall  
Wayne State  
Yale

**Trial Practice**

Brigham Young  
Hastings  
U. Cal. (Berkeley)  
U. Chicago  
DePaul  
Fordham  
UGA  
George Washington  
Hamline  
U. Iowa

**Sentencing & Corrections**

U. Akron  
Albany  
American U.  
U. Arkansas—Little Rock  
Boston College  
Hastings  
U. Cal.—Berkeley  
U.C.—Davis  
UCLA  
Case Western  
U. Cincinnati  
Cleveland State  
U. Colorado  
U. Conn.  
Drake  
Duke  
George Washington  
Georgetown  
Hamline  
Harvard  
Hofstra  
U. Ill.—Champaign  
Indiana—Indianapolis  
U. Kentucky  
Loyola—Maymount  
U. Maryland  
Mercer  
U. Miami  
U. Mississippi  
U. Missouri—K.C.  
U. Nebraska—Lincoln  
NYU  
UNC  
Ohio State  
U. Oklahoma

U. Puerto Rico  
U. Puget Sound  
Rutgers—Camden  
St. Louis U.  
Samford  
U. San Diego  
S. Texas  
Suffolk U.  
Texas Tech  
Vanderbilt  
Villanova  
Washington U.  
U. Wisconsin

**Post-Conviction Relief**

U. Cal.—Berkeley  
UGA  
George Washington  
Ill. Tech  
U. Iowa  
U. Kansas  
Lewis & Clark  
LSU  
U. Maryland  
New York Law School  
NYU  
UNC  
Oklahoma City  
McGeorge  
U. San Francisco  
U. Santa Clara  
U. So. Texas  
Temple  
Vanderbilt

**Prisoners' Rights**

U. Alabama  
Antioch  
Brooklyn  
SUNY—Buffalo  
Cal. Western  
U. Detroit  
UGA  
Golden Gate  
Lewis & Clark  
U. Miami  
McGeorge  
Pepperdine  
Temple  
Thurgood Marshall  
U. Washington  
Yale

**Criminal Law/Procedure**

Albany

UCLA

Cornell

UGA

Inter-American

U. Miami

U. Missouri—K.C.

NYU

Ohio State

McGeorge

Rutgers—Camden

U. San Diego

**Sentencing**

U. Denver

Temple

Washington &amp; Lee

**Appendix B**

Most of these are seminars, although some are listed as actual classroom courses. They are lumped together because of the fact that even if they were classroom courses, they probably would attract relatively few students and would therefore be run much like seminars.

**Criminology**

Louisville  
Columbia  
Puget Sound  
Detroit University  
Creighton  
Florida  
Montana  
Arizona State  
George Washington  
Puerto Rico  
Inter-American  
N.Y. Law School  
Northwestern  
NYU

**Reforms and Criminal Codification**

Cornell

**History of the Criminal Law**

SMU  
Columbia

**Criminal Evidence**

SMU  
St. Louis  
Miami  
South Texas  
Northwestern  
Texas Tech  
DePaul

**Problems Facing Defense and Prosecution**

Vermont

**Organized Crime**

Wayne State  
Baltimore  
Loyola (LA)

**White Collar Crime**

McGeorge  
Yale  
Rutgers—Newark  
Loyola (LA)



**Criminal Tax Problems**

UMKC

American University

**Criminal Law Relating to Drug Abusers,  
Child Abusers & Sex Offenders**

Loyola (LA)

**Victimology: The Role of the Victim in  
Provoking Crimes**

Inter-American

**Criminal and Quasi-Criminal Law and  
Procedure (Commitment, Etc.)**

Wayne State

**Policy Questions in the Criminal Law**

William &amp; Mary

**Social Problems and the Criminal**

Pepperdine

**Role of Police in Society**

Wisconsin

**Advanced Substantive Criminal Law**

Albany

Wisconsin

Richmond

Stanford

Loyola (LA)

Cal. Western

**First Year Elective Criminal Procedure**

Columbia

**Economics of Law Enforcement**

Vanderbilt

Miami

**Drug Abuse and the Criminal Process**

Nova

Cleveland St.

Rutgers (Camden)

Loyola (LA)

Fordham

**The Interrelationship of Police, Prosecutors and Judges**

Wisconsin  
Chicago  
Santa Clara  
Texas

**Theories of Juvenile and Adult Correctional Treatment**

Harvard

**West German Criminal Law**

Rutgers (Camden)

**Crime and Society**

Cardozo  
Harvard  
New England  
Buffalo

**Criminal Sanctions**

Miami

**Police Problems**

Harvard

**Prediction and Prevention of Harmful Conduct**

Harvard  
Pa.

**Problems in Reform of Police, Corrections and Courts**

Maryland  
Notre Dame  
U.C. Davis  
University of Washington

**Forensic Medicine**

George Washington

**Criminal Responsibility**

U.C. Davis  
Buffalo  
Puerto Rico  
Texas Tech

**Social Scientist's View of the Criminal Law**

U. Va.  
Buffalo  
Pa.  
Inter-American

**Military Criminal Law**

U. Va.  
Suffolk

**Dangerousness: Social Scientist's Look at Crimes**

U. Va.

**Criminal Sanction: A Lawyer's Representation of His Client**

Rutgers (Newark)

**State Criminal Procedure**

Suffolk  
U. Va.  
Fordham  
Cal. Western  
Southern  
Tulane  
U. of Ark. (Little Rock)

**Federal, State & Local Roles in the Criminal Law**

Stanford

**Criminal Justice Administration**

U. Mo. Columbia  
Nebraska  
U. Southern Cal.  
Syracuse  
George Washington  
Puerto Rico  
U.C.L.A.  
N.Y. Law School  
Catholic U. (W)  
Arkansas (Fayetteville)

**New York Criminal Justice System**

N.Y. Law School

**Jurisprudence of the Criminal Process**

Catholic (W)

**International Criminal Law—Controlling  
Criminal Activity Across Int. Boundaries**  
DePaul

**Selected Problems in Criminal Law**  
32 schools

**Selected Problems in Criminal Procedure**  
28 schools