

Habeas Petition Drafting

Virtual CLE presented for the U.S. District Court for the District of Puerto Rico

September 12, 2025

1:00 p.m. - 2:15 p.m. (AST)

Presented by

Ngozi Ndulue

Associate Professor of Law

Director of the Post-Conviction Criminal Defense Clinic

University of the District of Columbia David A. Clarke School of Law

Ngozi.Ndulue@udc.edu

CLE Overview

This session is the fifth and final installment in the Virtual Continuing Legal Education Training Series on Habeas Corpus Litigation. The session will provide guidance on drafting an initial habeas petition or an amended petition following appointment to a *pro se* petitioner's case. The session will explain required elements of habeas petitions, tools for reframing the case narrative, addressing statutory constraints on relief, and identifying helpful case law. The session will use case examples to demonstrate practical strategies for habeas petition drafting.

Agenda

- **Welcome and introduction to the CLE**
- **Addressing preliminary issues in your habeas petition:** What should you include in your petition to ensure that it is fully considered? What is the custody requirement? What procedural issues should you address?
- **Creating a new narrative:** How can you use a habeas petition to reframe your client's case? What aspects of storytelling are particularly effective in crafting post-conviction narratives? What are some tools for telling an effective story in a habeas petition?
- **Drafting common habeas claims:** What are the components of common habeas claims? How do you demonstrate that your client has satisfied the requirements for habeas relief? What are some examples of courts finding that the petitioner satisfied 28 U.S.C. §2254(d)(1) or (d)(2)?
- **Anticipating potential counterarguments:** What are some common counterarguments you can pre-empt in your habeas petition? How can you strategically address counterarguments without making the government's case for them? What are some arguments best left for later in habeas proceedings?
- **Q&A**