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ASSIGNMENT

Discuss secondary sources of law in Nigeria.

ANSWERS

1. **Law reports:** These are series of books that contain judicial opinions from a selection of case law decided by courts. Law report is also a compilation of law cases and law judgments of other courts. Such judgments may cover laws such as constitutional laws, administrative laws, issue bothering on bail, arbitration and banking. They are published periodically. Law reports are secondary sources because law can be found there. Law reports as well as an efficient law reporting system are essential for a smooth system of judicial administration. This is because in any nation where the principles of judicial precedent is operational, like Nigeria, it is only by reference to reported cases that courts and lawyers would be able to ascertain the position of law in their areas of jurisdiction. The oldest species of law reports are the Year Books (1282-1537). They are regarded as the most comprehensive reports but are criticized to have been mere notes taken by students and practitioners of law for educational or professional purposes. The first form of law reports in Nigeria was the Nigerian Law Reports which emerged in 1881 but today they have become extinct meaning they are no longer in existence. One regrettable trend in the law reporting system in Nigeria is the lack of sustainability. This has been the experience with most government and private initiatives in this regard. In Nigeria today, we have quite a number of law reports in circulation, among which are the following: Nigerian Weekly Law Reports (NWLR) published since 1985, Supreme Court of Nigeria Judgment (SCNJ), Law Reports of the Courts of Nigeria (LRCN), All Nigerian Law Reports (All NLR), Federation Weekly Law Reports, Federation Weekly Law Reports (FWLR),Law Reports of Nigeria (LRN), University of Ife Law Reports (UILR), Western Region of Nigeria Law Reports (WRNLR), Selected Judgment of the West African Court of Appeal (WACA), Nigeria Commercial Law Reports (NCLR). These, and many more others are also serving as secondary sources of Nigerian Law.
2. **Law texts:** A Legal text is something very difficult from ordinary speech. A textbook or treatise written by learned scholars and jurists constitute a very important source of Nigerian law. It is the same experience in virtually all legal systems. Classical authors of outstanding textbooks on the English law include Bracton; Coke and Blackstone. Others like Dicey; Cheshire; Hood Phillips; Wade have continued to emerge over the years. In Nigeria, legal textbooks of reputable standards have been written by Obilade; Nwogwugwu; Okonkwo; Kodilinye; Aguda, among many others. Professor Sagay has written extensively on international law. All these present a potent source of Nigerian law and can be authority where there is scanty or absence of judicial decisions, in which situation they could be of persuasive authorities. When such works are cited, the weight to be attached to them will depend on the personality of the author and the significance of the subject covered.
3. **Law books and Legal treatises:** Law books are fundamental resources used by all individuals interested or associated with the intricacies of law. Law books are the foundation, used to affirm various legal codes as well as interpretations. Law books are classified into five which are: Casebooks, Legal citation guides, Law dictionaries, Legal history books and law books that document legal treatises. The casebooks is a type of law books used primarily by students in the law schools. Legal citation guides are formal law books that list all cases that establish a precedent for a particular legal matter. The majority of established legal citation guidelines are compiled by various law reviews and journals. Typically, legal citation guides are organized based on the underlying legal matter or jurisdictional boundaries. Law Dictionaries. A law dictionary is a form of law book that is designed and organized to give information about terms used in the field of law. Law dictionaries list terms that are relevant in law and appropriately define them. Law dictionary that cover only an entire field of law are called a single-field dictionary, whereas a dictionary that covers a part of a field of law is referred to as a sub-field dictionary. Law dictionaries that attempt to cover all the terms in the field of law are known as maximizing dictionaries; those dictionaries that cover only a limited number of terms (the more common law books) are referred to as minimizing dictionaries. Some foreign law dictionaries are also available in Nigeria. Some of these are Jowitt’s Dictionary of English law, Stroud’s judicial dictionary, Black’s Law Dictionary, etc. All these provide helpful guidance in interpreting Nigerian Law. Legal History Books. These are forms of law books that describe and elucidate on particular areas of law. Legal history books can be opinion based; however, the majority of such resources are deeply-rooted in history. Legal treatises are forms of law books are scholarly publications which describe all of the law relating to a particular area, such as criminal law or estate law. Legal treaties act as secondary as secondary authorities; they primarily serve as a useful starting point for legal research, particularly when the researcher lacks a general familiarity with a specific area of law. Lawyers or legal professionals commonly use legal treaties in order to review the law and update their knowledge concerning pertinent primary authority, namely statutes, case law and various administrative regulations.
4. **Periodicals, journals and legal digests:** In journal and periodicals, you find writings of scholars with their various analysis, criticisms and assessments of the primary sources of law. Legal periodicals contain articles about emerging areas of law and are written by Professors, practitioners, judges and law students. Law reviews, law journals and bar journals are commonly used as legal periodicals. These are produced in various forms and colours in Nigeria. Some are professional while some are academic, and yet some are an admixture of both. For instance, in Nigeria, there exist learned journals published by different law faculties as well as private law publishers. When an issue with no precedent is cited in court, a lawyer can use this to persuade the judge which is an advantage on the side of the lawyer. Digests are equally available for example, the Digest of Supreme Court Cases. Digests are abridgements of cases, that is, they are useful summaries of the facts, issues, arguments and decisions in judicial proceedings.