**NAME: AKEJU OLUWATOBI GABRIEL**

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**COURSE: LEGAL METHOD II (LAW102)**

**SECONDARY SOURCES OF LAW**

Secondary sources of law are the sources of law that do not carry a dominant legal weight and binding

effect. The legal authorities contain in these kind of sources are diluted and persuasive which are not

binding on any court of law. Secondary sources of law are less significance sources of law that carry barely persuasive legal authority or effect and are therefore , not binding on any court of law. Secondary sources can be useful in court of law or resorted to where the court finds the opinion or fact underlying the authority contained therein. Secondary sources can

also be referred to in court if it supports the authorities of the primary sources. Examples of secondary

sources of Nigerian law includes:

1. Law Reports
2. Text Books and Treatises
3. Periodicals, Journals, and Legal Digests
4. Casebooks
5. Legal Dictionaries
6. Newspapers

Secondary sources of law also include all sources that provide helpful introductions to legal subjects,

synopses of decisions, statutes, and regulations in a given field, analyses of trends and historical

background of law, explanation of new or difficult concepts, descriptions and analysis of the law and

its developments and citations to primary sources through footnotes and annotations. They are important because

it is in book form that written laws are stated. Some of these sources are law reports, textbooks,

periodicals, journals, law digests and law dictionaries. We shall attempt to discuss these in turn.

**Law Reports**

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 principle 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 8

educational or professional purposes. The first form of law reports in Nigeria was the Nigerian

Law Reports which emerged in 1916 but today they have become extinct. 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.

(i) Nigerian Weekly Law Reports (NWLR) published since 1985;

(ii) Supreme Court of Nigeria Judgments (SCNJ);

(iii) Law Reports of the Courts of Nigeria (LRCN);

(iv) All Nigerian Law Reports (All NLR); and

(v) Federation Weekly Law Report (FWRL)

These and many others, are also serving as sources of Nigerian law.

**Law Textbooks and Treatises**

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 Braxton; 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. Where 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.

**Periodicals, Journals and Legal Digest**

These are produced in various forms and colours in Nigeria. Some are professional while some

are academic, and yet some are a mixture of both. For instance, in Nigeria, there exist learned

journals published by different law faculties as well as private law publishers. 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. Some foreign legal dictionaries are also available in Nigeria. Some of

these are Jowitt’s Dictionary of English Law, Stroud’s Judicial Dictionary, etc. All the above

provide helpful guidance in interpreting Nigerian law.

**Casebooks**

A **casebook** is a type of textbook used primarily by students in Law Schools. Rather than simply laying out the legal doctrine  in a particular area of study, a casebook contains excerpts from legal cases in which the law of that area was applied. It is then up to the student to analyze the language of the case in order to determine what rule was applied and how the court applied it. Casebooks sometimes also contain excerpts from law review  articles and legal treatises, historical notes, editorial commentary, and other related materials to provide background for the cases.

The teaching style based on casebooks is known as the casebook method  and is supposed to instill in law students how to "think like a lawyer.” The casebook method is most often used in law schools in countries with common law legal systems, where case law is a major source of law.

**Legal dictionaries**

A legal dictionary contains the definitions of legal terms taken from a variety of sources. They are the first place you should look when you do not understand what a legal term means. The two most commonly used legal dictionaries are **Blacks Law Dictionary** and **Ballentines Law Dictionary.**

In addition to providing a general definition of the legal term in question, legal dictionaries may also provide references to applicable primary law and other secondary sources containing more in-depth discussions of the term. For example, the entry for the legal term of art in Black's Law Dictionary contains a definition and references two Supreme Court opinions.