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MATRIC NO: 19/LAW01/087

COURSE CODE: LAW102.

WORK TO DO: DISCUSS SECONDARY SOURCES OF LAW IN NIGERIA.

ANSWER:

**Before going into the secondary sources we need to know what are the sources of Nigerian law**

The law is an abstract term. In order to know what comprises the law, you have to derive it from various places. These places from which the law is derived are aptly described as the sources of law. Sources of law can be defined as the places to which a legal practitioner or a judge turns to in order to answer a legal problem. They can be regarded as springboards from which law emanates. They are the various vehicles through which the law is carried. The sources of Nigerian law can be divided into primary and secondary.

Primary sources of Nigerian law can simply be regarded as those sources whose provisions are binding on all courts throughout Nigeria. Primary legal sources are the actual law in the form of constitutions, court cases, statutes, and administrative rules and regulations. They include:

1. [Received English law](http://www.djetlawyer.com/received-english-law/)
2. [Case law](http://www.djetlawyer.com/sources-nigerian-law/#caselaw)
3. [Nigerian legislation](http://www.djetlawyer.com/primary-sources-nigerian-law-legislation/)
4. Customary laws.
5. International laws.
6. Constitution.

Constitution (either federal or state)  
         [United States Constitution, Washington State Constitution]

Statutes (laws enacted by legislatures); municipal codes (enacted by local councils)

[United States Code, Revised Code of Washington,  
          King County Code, Seattle Municipal Code]

Cases (opinions handed down by courts)  
        [United States and state appellate courts, including the  
        U.S. Supreme Court  and WA State Supreme Court]

Rules and Regulations (established by administrative government agencies)  
        [examples include U.S. Environmental Protection Agency,  
        WA State Department of Social and Health Services)

Treaties  
       [Geneva Convention,  North American Free Trade Agreement,  
       Worldwide Chemical Weapons Convention)

Now going to the main topic **the secondary sources of Nigerian law** they are the indirect ways through which we get our law. Save for law reports, secondary sources of Nigerian law are of persuasive authority in the law courts. Law reports are only authoritative due to the fact that they serve as the vehicle through which judicial precedent is carried. Secondary legal sources may restate the law, but they also discuss, analyze, describe, explain, or critique it as well.  Secondary sources are used to help locate primary sources of law, define legal words and phrases, or help in legal research.  In short, anything that is more than the actual law is considered a secondary source.

Examples of secondary sources of law are:

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

* 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. 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. Example [*Black’s Law Dictionary, Nolo’s Plain English Law Dictionary*]
* Legal encyclopedias and digests: A legal encyclopedia is a comprehensive set of brief articles on legal topics. It is arranged similarly to a general encyclopedia, such as Encyclopaedia Britannica, with topical articles arranged in alphabetical order and an index in the final volume(s). In addition, there are numerous state legal encyclopedias, as well as encyclopedias with a more narrow focus, such as[**American Jurisprudence Trials**](http://wrlc-gulaw.primo.exlibrisgroup.com/discovery/search?tab=Everything&search_scope=MyInst_and_CI&vid=01WRLC_GUNIVLAW:01WRLC_GUNIVLAW&lang=en&offset=0&query=any,contains,b171073?). They provide more in-depth information than a legal dictionary, while being nearly as accessible and easy to use. Encyclopedias also include citations to cases and other useful materials on a particular issue. Legal encyclopedias, however, are not intended to be used as authoritative sources on the law in any area, and thus are never cited in briefs, memoranda, or scholarly papers. Digest is an index of legal propositions showing which cases support each proposition. It can also be a collection of summaries of reported cases, arranged by subject and subdivided by jurisdiction and court. The main purpose of a digest is to make the contents of reports available and to separate, from the great mass of caselaw, those cases bearing on some specific point. Example [*Gale Encyclopedia of American Law*, *American Jurisprudence,Washington Digest*]
* Law periodical, reviews and journals; Legal periodicals contain articles about emerging areas of law and are written by professors, practitioners, judges, and law students. Commonly used legal periodicals include law reviews, law journals, and bar journals. Legal periodicals are often the first secondary source to cover new and emerging areas of law and to highlight developments and changes in the existing law. An issue that is too new to appear in an encyclopedia or treatise is often discussed heavily in the trade press or scholarly journals. In addition to providing an in-depth discussion on the legal issue, a law review or journal article also will provide citations to significant, and often recent, primary and secondary sources. Example [*Virginia Law Review*, Seattle University Law Review, Yale Law Journal]
* Legal treatise and textbooks: A treatise focuses on a single area of law and is written by experts in that area. Treatises range from broad, multi-volume sets to narrowly focused one-volume titles. Practitioners rely heavily on treatises for the detailed coverage and practical tips they contain. The content varies tremendously, but you can usually find thorough explanations of the law at issue along with citations to relevant cases, statutes, regulations, and other secondary sources. Some treatises also contain the full text of these materials in appendices. Legal textbooks in Nigeria are of reputable standards have been written by Obilade Nwogwugwu; Okonkwo; Kodilinye and many others. Professor Sagay has written intensively on international law. Example [*Criminal Law in a Nutshell, Principles of Employment Law*,  
         *American Constitutional Law, Washington Civil Procedure Desk book*]
* Casebooks: A casebook is a type of textbook used primarily by students in law schools. 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.
* Law reports: they are compilations of the judgement of other courts such judgments may cover a broad area like; constitutional law, company law, administrative law, issues bothering on bail, arbitration and banking. They are published periodically. Example [Nigerian Weekly Law Report NWLR, published in 1985, Supreme Court of Nigeria Judgements SCNJ and so on]

The distinction between primary and secondary sources of law is very useful in determining authorities to follow in the law courts. If a case is brought before a court and one party uses a primary source of law as his authority while the other makes use of secondary sources, the scale of justice would tilt in favor of the person who presents primary sources of law. Secondary sources of law are only made use of whenever there are no primary sources of law to fall back on.

**How to cite secondary sources of law**

## Dictionaries

Rule 15.8 of the Bluebook (20th ed.) governs the citation of dictionaries. You may also find it helpful to look at B16.

The citation should include the following:

* Title of entry (italicized or underlined)
* Title of dictionary (italicized or underlined)
* Edition
* Year

Example:

Replevin, Black's Law Dictionary (10th ed. 2014).

## Encyclopedias

### **Bluebook**

Rule 15.8 and BT.1 of the Bluebook (20th ed.) covers the citation of encyclopedias.

#### **Elements**

The citation should include the following:

* Volume
* Encyclopedia abbeviation
* Article title (underlined or italicized)
* Section
* Copyright date of the volume (in the parenthetical)

#### **Examples**

88 C.J.S. Trial § 192 (1955).

17 Am. Jur. 2d Contracts § 74 (1964).

14 Ohio Jur. 3d Civil Rights § 82 (2006).

## American Law Reports

### **Bluebook**

Rule 16.7.6 of the Bluebook (20th ed) covers how to cite ALRs.

#### **Elements**

The citation should contain:

* Author
* the word "Annotation"
* Title (italicized or underlined)
* ALR volume
* ALR series
* Page number
* Copyright date of volume

#### **Example**

William B. Johnson, Annotation, Use of Plea Bargain or Grant of Immunity as Improper Vouching for Credibility of Witness in Federal Cases, 76 A.L.R. Fed. 409 (1986 & Supp. 2017).

## Restatements

### **Bluebook**

Rule 12.9 of the Bluebook (20th ed.) covers the citation of restatements.

#### **Elements**

The citation should include the following:

* Restatement series (italicized or underlined)
* Section
* Copyright date of the volume

#### **Example**

Restatement (Third) of Torts § 46 (2012).

### **ALWD**

Rule 23 of the ALWD Citation Manual (5th ed.) covers the citation of restatements.

#### **Elements**

The citation should include the following:

* Restatement series (italicized or underlined)
* Section
* Copyright date

#### **Example**

Restatement (Third) of Torts § 46 (2012).

## Legal Periodicals

### **Bluebook**

Rule 16 of the Bluebook (20th ed.) covers the citation of law reviews.

#### **Consecutively paginated law reviews and journals (R. 16.4)**

##### **Elements**

The citation should include the following:

* Author's name
* If the article is written by a student author, the designation of the piece (see R. 16.7.1)
* Title of the article (in italics or underlined)
* Volume number (if no volume, use the year as the volume and don't put the year at the end)
* Abbreviation of journal name (Tables 10,13, and 13.2 in the Bluebook)
* The beginning page number (if pinpoint citing, include the beginning page number and the pinpoint cite)
* Year (in parenthesis)

##### **Example:**

Charles A. Reich, The New Property, 73 Yale L.J. 733, 737-38 (1964).

#### **Nonconsecutively paginated periodicals (R. 16.5)**

##### **Elements**

The citation should include the following:

* Author
* Title of the article (in italics or underlined)
* Abbreviation of journal name (see Tables 10 and 13 in the Bluebook)
* Date as it appears on the cover (if no date of issue is available, provide the issue number and indicate the volume number before the title)
* the word "at"
* The beginning page number (if pinpoint citing, include the beginning page number and the pinpoint cite)

##### **Example:**

Susan A. Berson, Starting Up: If You're Hanging a Shingle in 2011, A.B.A. J., Jan. 2011, at 40.

#### **Newspapers (R. 16.6)**

The citation format for newspapers and newsletters is largely the same as for nonconsecutively paginated periodicals. See your Bluebook for specific exceptions involving special designations, place of publication etc.

### **ALWD**

Rule 21 of the ALWD Citation Manual (5th ed.) covers the citation of periodicals.

#### **Consecutively paginated law reviews and journals**

##### **Elements**

The citation should include the following:

* Author
  + If the author is a student, insert "student author" after the name.
* Title (italicized or underlined)
* Volume (if no volume put the year and don't repeat the year at the end)
* Periodical Abbreviation (see Appendix 5)
* Page (if pinpoint citing, include the beginning page number and the pinpoint cite)
* Date

##### **Example**

Charles A. Reich, The New Property, 73 Yale L.J. 733, 737-38 (1964).

#### **Nonconsecutively paginated periodicals**

##### **Elements**

The citation should include the following:

* Author
  + If the author is a student, insert "student author" after the name.
* Title (italicized or underlined)
* Volume number (if exists)
* Periodical Abbreviation (see Appendix 5)
* Publication Date
* the word "at"
* Page (if pinpoint citing, include the beginning page number and the pinpoint cite)
* Date (use exact date and if there is no specific date, include the abbreviation "no." and the issue number followed by the year)

Susan A. Berson, Starting Up: If You're Hanging a Shingle in 2011, 97 A.B.A. J., Jan. 2011, at 40.

## Treatises

### **Bluebook**

Rule 15 of the Bluebook (20th ed.) covers citing treatises. There are many variables in citing a treatise so definitely consult the rule for its many permutations.

#### **Elements**

Generally, a citation to a treatise should contain the following elements:

* Volume (if applicable)
* Author (see R. 15(b) for more than 2 authors and R. 15(c) for institutional authors)
* Title (italicized or underlined)
* Section and/or Page
* Editor, translators (if applicable)
* Edition
* Copyright Date

#### **Example**

2 Joseph M. Perillo & Helen Hadjiyannakis Bender, Corbin on Contracts § 1.1 (1993).

### **ALWD**

Rule 20.3 of the ALWD Citation Manual (5th ed.) covers the citation of books.

##### **Elements**

* Volume number (if applicable)
* Author (see R. 20.1(b)(2) for multiple authors and R. 20.1(b)(3) for institutional authors
* Title (italicized or underlined)
* Section and/or Page
* Editor, translators (if applicable)
* Edition
* Date

#### **Example**

2 Joseph M. Perillo & Helen Hadjiyannakis Bender, Corbin on Contracts § 1.1 (1993).

Reference: en.*wikipedia.org*>casebook, definitions.*uselegal.com*>digest, introduction to Nigerian legal method/*abiola sanni/textbooks* p.253, guides.||.*georgetownlawlibrary*.edu>secondary>dictionary, periodicals,encyclopedia,treaties.