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**ASSIGNMENT TITLE**: SOURCES OF LAW

**COURSE TITLE**: LEGAL METHOD II

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**Question**

Discuss Secondary sources of law in Nigeria.

**Answer**

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. According to Beredugo (2009), 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 any court of law or resorted to where the court finds the opinion or fact underlying the authority contained therein.

Secondary sources of law also include all sources that provide helpful introductions to legal subjects, synopses of decisions, statues and regulations in a given field, analyses of trends and historical background of law, explanation of new or difficult concepts, descriptions analysis of the law and its developments and citations to primary sources through footnotes and annotations.

Secondary sources of law are background resources. They explain, interpret and analyze. They include legal encyclopedias, American Law Reports (ALR), Treaties, Law journals, Restatements. Secondary sources are a good way to start research and often have citations to primary sources.

**Legal Encyclopedias**

Legal encyclopedias contain brief, broad summaries of legal topics, providing introductions to legal topics and explaining relevant terms of art. They also provide citations to relevant primary law and sometimes give citations to relevant major law review articles. Here are the two major national encyclopedias:

*American Jurisprudence 2d (AmJur):* This link provides access to the Table of Contents for AmJur using Westlaw. Print volumes are located at KF 154.A42. Topical indexes are located in the last volume of every topic.

*Corpus Juris Secundum (CJS):* This link provides access to the Table of Contents for CJS using Westlaw. Print volumes are located at KF 154.C56. There are indexes for each major topic.

**American Law Reports**

American Law Reports (frequently abbreviated and referred to as ALR) contains in-depth articles on narrow topics of the law. ALR articles, called annotations, provide background, analysis and citations to relevant cases statues, law review articles, and other annotations. ALR in print is located in the Langdell Reading Room beginning at KF 132. The ALR Index is located at KF 132.2.I53.

ALR on Westlaw: This link provides access to the ALR by subject. From there, click on any title of interest or use the search bar to search for additional terms (or consult the index).

ALR on Lexis: Contains the full text annotations included in the Second, Third, Fourth, Fifth, Sixth, Federal and Federal Second Series. Because West publishes the ALR, their version is the most complete, but users who prefer Lexis can rely on this version.

**Treaties**

Treaties are a good place to begin your research or find an answer to a question and will help you save time by providing explanation, analysis and tips on the most relevant primary sources. Treaties range from single volume overviews to extensively detailed multi-volume sets. They may come in form of bound books updated with pocket parts or looseleafs with easily replaced pages. Some treaties are intended for law students while others are meant for practicing lawyers.

**Law Journals**

Law journal or review are schorlarly publications, usually edited by law students in conjunction with faculty members. They contain both lengthy articles and shorter essays by professors and lawyers, as well as comments, notes, or developments in the law written by students. Law reviews articles often focus on new or emerging areas of law and they can offer more critical commentary than a legal encyclopedia or ALR entry. Some law reviews are dedicated to a particular topic, such as gender and the law or environmental law and will include in their contents the proceedings of a wide range of panels and symposia on timely legal issues.

**Restatements**

Restatements are highly regarded distillations of common law. They are prepared by the American Law Institute (ALI), a prestigious organization comprising judges, professors and lawyers. The ALI’s aim is to distill the “black letter law” from cases to indicate trend in common law, and occasionally to recommend what a rule of law should be. In essence, they restate existing common law into a series of principles of rules.

Restatement cover broad topics, such as Contracts of Property. They are organized into chapters, title, and sections. Sections contain a concisely stated rule of law, comments to clarify the rule, hypothetical examples, explanation of purpose, as well as exceptions to the rule.

Restatements are not primary law. Due to the prestige of ALI and its painstaking drafting process, however, they are considered persuasive authority by many courts. The most heavily cited Restatements are the Restatements of Torts and the Restatement of Contracts.