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DISCUSS THE SECONDARY SOURCES OF LAW IN NIGERIA

Introduction

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. But only secondary sources will be discussed here.

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The secondary sources of Nigerian law 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. Examples of secondary sources of law are:

**Law Reports**- Law reports or reporters is a secondary source of law that majors on series of books that contain judicial opinions from a selection of case law decided by courts. When a particular judicial opinion is referenced, the law report series in which the opinion is printed will determine the case citation format. In the Commonwealth, these are described by the plural term lawreports, the title that usually appears on the covers of the periodical parts and the individual volumes.

**Legal Treatises**- A legal treatise is a scholarly legal publication containing all the law relating to a particular area, such as criminal law or trusts and estates. There is no fixed usage on what books qualify as a "legal treatise", with the term being used broadly to define books written for practicing attorneys and judges, textbooks for law students, and explanatory texts for laymen. The treatise may generally be loose leaf bound with rings or posts so that updates to laws covered by the treatise and annotated by the editor may be added by the subscriber to the legal treatise. Legal treatises are secondary authority, and can serve as a useful starting point for legal research, particularly when the researcher lacks familiarity with a particular area of law. Lawyers commonly use legal treatises in order to review the law and update their knowledge of pertinent primary authority.

**Periodicals, Journals, and Legal Digests**- Periodicals contain articles about emerging areas of law and are written by professors, practitioners, judges, and law students. Commonly used periodicals include law reviews, law journals, and bar journals. 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.

**Journals** are scholarly or academic publication presenting commentary of emerging or topical developments in the law, and often specializing in a particular area of the law or legal information specific to a jurisdiction.

**Legal Digests** are essentially an indexes to case law; it takes the headnotes that summarize the points of **law** discussed in each case and organizes them by subject. Determine the jurisdiction for which you need to find cases, then consult a digest that covers that jurisdiction.

**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.

**Legal Dictionaries**- A lawdictionary (also known as legaldictionary) is a dictionary that is designed and compiled to give information about terms used in the field of law. Distinctions are made among various types of law dictionaries. Differentiating factors include:

* Amount of languages covered: a **monolingual** law dictionary covers one language, a **bilingual** covers two.
* Amount of fields covered: a single-field dictionary covers an entire field of law, whereas a sub-field dictionary covers a part of a field of law, e.g. a dictionary of contract law.

A good bilingual law dictionary needs to take the users' expected language and professional competences into account. The lexicographers therefore must consider the following aspects: dictionary user research, dictionary typology, structure, and presentation of the relevant information. When making a law dictionary, the lexicographers attempt to present the information in such a way that the user is not burdened with excessive lexicographic information costs.

**Newspapers**- A newspaper is a periodical publication containing written information about current events and is often typed in black ink with a white or gray background. Newspapers also serve an important role at the secondary level. They are used to keep up to date on legal matters, and also used by lawyers who are given the opportunity to write reviews based on pressing issues and resolving them. Some countries have their law newspaper websites, in Nigeria it’s called “The National Law Review”. In the US, there’s the “Chicago Daily Law Bulletin”.

The difference 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 counsel uses a primary source of law as his authority while the other makes use of secondary sources, the scale of justice would tilt in favors 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 plunge back on.**