SECONDARY SOURCES OF LAW

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. Secondary sources of law are background resources. They explain, interpret and analyze. Secondary sources are a good way to start research and often have citations to primary sources. A good place to start most research projects is with a secondary source. A secondary source is not the law. It's a commentary on the law. A secondary source can be used for **three different purposes**: To educate you about the law, to direct you to the primary law and also serve as persuasive authority.Examples of secondary sources of law are:

1. Law Reports
2. Text Books and Treatises
3. Periodicals, Journals, and Legal Digests
4. Legal Encyclopedias
5. Legal Dictionaries
6. Newspapers
7. Law reports: Law reports are 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. The report of a decision ordinarily contains the title of the case, a statement of the facts giving rise to the litigation, and its history in the courts. It then reproduces the opinion of the court and concludes with the court’s judgment—affirming or reversing the judgment of the court below. The report of a modern decision is usually preceded by an analytic summary of the opinion, called a headnote that states the points decided. The Department of **Law Reporting** & Publication (DLR) The foundation for the All **Nigeria Law Report** (All NLR) was laid in 1961 and as the official **Law Report** in **Nigeria** it was being published by the Federal Ministry of Justice together with the Justice Journal until the year 1990 when the publications ceased.
8. Text books and treatises: A **treaty** is a formally concluded and ratified agreement between independent governments. When we say that treaties are formal, we mean that treaties are written agreements. When we say that treaties are ratified, we mean that treaties must be approved by all of the parties to the treaty before the treaty can take effect. A treaty is an exchange of promises, much like a contract. Let's say that Canada promises to fully open its borders to U.S. citizens, and in exchange, the U.S. promises to give the entire state of Michigan to Canada. This agreement would be written down and then approved and signed by both the U.S. president and the Canadian prime minister. Treaties are international agreements. Treatises--books on legal topics--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**. Treatises range from single volume overviews to extensively detailed multi-volume sets. They may come in the form of bound books updated with pocket parts or loose leafs with easily replaced pages. Some treatises are intended for law students while others are meant for practicing lawyers. A treatise focuses on a single area of law and is written by experts in that area.  Textbooks also serve as source for research to be conducted legal textbooks provides forum to conduct research works on different law terms and topics.
9. Periodicals, Journals and Legal Digests: Legal periodicals contain articles about emerging areas of law and are written by professors, practitioners, judges, and law students. 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. Legal Journals A 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. **Law review or journal articles are another great secondary source for legal research, valuable for the depth in which they analyze and critique legal topics, as well as their extensive references to other sources, including primary sources. 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 case law, those cases bearing on some specific point. The American **Digest** System covers the decisions of all American courts of last resort, state and federal, from 1658 to present.

4. Legal Encyclopedias**:** Legal encyclopedias contain information across most areas of law. They summaries the law and will often point you towards legislation, leading cases and other relevant sources, and as such can be a great place to start your research on any given legal subject. 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. Encyclopedia articles can be a good starting place if you are researching an unfamiliar area of law. 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.

5. 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 Black's Law Dictionary and Ballantine’s Law Dictionary. Print copies of Black's are located throughout the library on swivel stands. Black's is also available on Westlaw, while Ballantine’s is available on Lexis. 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.

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