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SECONDARY SOURCES OF LAW

Secondary source of law is a good place to start a legal research. A secondary source is not the law but educates people about the law, it may direct people to the primary law, or serves as a persuasive authority all these are purposes of secondary source. Secondary source are written by legal experts. They provide a good overview of the law and the text or footnotes can refer to the relevant legislation or case law. The important classes of legal secondary sources include: treatises, periodical articles, legal encyclopedias, ALR Annotations, restatements, and looseleaf services.

The secondary source of Nigerian law, are the indirect ways through which we get our law and are also the 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. The use of secondary sources of law are being put to use only when there is absence of the primary source of law.

Examples of secondary sources of the Nigerian law are:

1. Law reports

2. Text books and Treatises

3. Periodical, Journals, and Legal Digests

4. Casebooks

5. Legal Dictionaries

6. Newspapers

LAW REPORTS: Law reports are series of books that contain judicial opinions from a selection of case law decided by court. When a particular judicial opinion is referenced, the law report series in which the opinion is printed will determine the case citation formatting.

TEXT BOOKS and TREATIES: A test book is a comprehensive compilation of content in a branch of study. A treaty is a formal written agreement entered into by actors in international law, namely sovereign states and international organizations. A treaty may also be called an /a agreement, protocol, covenant, pact, exchange of letter among other terms. In legal context, treaties are single or multi-volume works dedicated to the examination of an area of law. Treaties tend to be very good at describing the law, provide an in-depth discussion of a particular area of law and will provide the researcher with references to a few cases and statutes.

PERIODICALS: Legal periodical articles are in depth discussions of narrow areas of the law and legal issues. Periodical articles can be very good law finders; they tend to have the great many footnotes with a lot of legal citations. Occasionally, legal periodical articles can be useful for explaining the law, but often too theoretical.

JOURNALS: A journal is a scholarly publication containing articles written by researchers, professors and other experts. Journals focus on a specific discipline or field of study. Unlike newspapers and magazines, journals are intended for an academic and technical audience, not general leaders.

A law journal is a scholarly or academic publication presenting commentary of emerging or topical developments in the law and specialized in the area of law and legal information.

CASEBOOKS: A casebook is a type of textbook used primarily by students in law schools, rather than simply laying out the legal doctrines in a particular area of study. A casebook contains experts from legal cases in which the law of that area was applied.

LEGAL DICTIONARIES: A legal dictionary contains the definitions of legal terms taken ffom variety of sources. They are the first place you should look when trying o understand a legal term. The two most commonly used law dictionaries are; Black’s Law Dictionary and Ballentine’s Law Dictionary.

NEWSPAPER: This is a printed publication {usually issued weekly or daily} containing of folded unstapled sheets that contain news, articles, advertisements, and correspondence.

Summary: Secondary sources of law are scholarly materials written by legal experts, which provide a good overview of the law and the text or footnotes can refer to a relevant legislation and case law. Secondary sources of law are useful for putting the law into context, and often will lead to researcher to relevant legislation and cases. Some other secondary sources of law are;

Government Document, Legal Directories, Legal Education materials and seminar papers, Law wikis and blogs, News sources, Listservs and Law firms and Professional Associations Newssletters.