

Name: Okechukwu Lucy Chinenye.

Matric Number: 19/Law01/191.

Department: Law.

College: Law.

Course Title: Legal Method II.

Course Code: Law 102

Assignment Title: Sources of Law.

### **Secondary sources of law**

Before we go into the secondary sources of law, what is law itself. Law can be said to be the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties. It is commonly understood as a system of rules that are created and enforced through social or government institutions to regulate conduct. Although its precise definition is a matter of longstanding debate, it has been variously described as a science and the art of justice. It is also the combination of those rules and principles of conduct promulgated by legislative authority, derived from court decisions and established by local custom. The law is basically the rules and regulations derived from formal enactments, customs and judicial precedents by which a human conduct and the society is governed which appears in written or unwritten forms. In the legal domain, the term law generally refers to the philosophies of behaviors and conducts influencing customs, ethics and religious convictions. Black's Law Dictionary espoused law as a classification of enforceable standards adopted by those in authority to govern the behavior of a civilization. Every society from its smallest unit (family) to the greatest nation, lives by rules. The law under diverse classifications is a system that determines what category of conduct is acceptable among people, within a society, and within a state.

Secondary sources of law can be said to be the background resources. They explain, interpret and analyze. Secondary sources are a good way to start research and often have citations to primary sources like constitution, Nigerian legislation, Nigerian case law or judiciary precedent, received English laws, Nigerian customary law and Islamic law. The secondary sources of law furnish information or are derived from the sources of law, through the examination of the primary sources, pre-think of the primary sources or even through discussions brothing on the primary sources. A secondary source is not a law, it's a commentary on the law. A secondary source can be used for different purposes:

- ❖ It educates a person about the law, learning the basics of a particular area of law.
- ❖ It directs a person to the primary law.
- ❖ It serves as a persuasive authority.
- ❖ It helps in understanding key terms of art in an area.
- ❖ It helps in identifying essential cases and statutes.

In other words, secondary sources provide explanation to the primary sources and this are done through;

- **Treatises, Textbooks:** In this context, legal treatises are single or multi-volume works dedicated to the examination of an area of law. Treatises tend to be very good at describing the law, they are good law finders, and many of the classic treatises are persuasive. Treatises tend to provide an in-depth discussion of a particular area of law and will provide the researcher with references to a few cases and statutes. *The Legal Information Buyer's Guide and Reference Manual* describes the important legal treatises in several areas of the law.

To identify and locate a legal treatise, use a library catalog like *MORRIS* (searching by topic and handbook, or topic and nutshell) or the *Georgetown Treatise Finder*. Note that the word treatise is not often associated with a legal treatise in the catalog record. Classical authors of outstanding textbooks on the English law include; Bracton, Coke and Blackstone. Others like Dicey, Cheshire, Hood Phillips, Wade have continued to emerge over the years.

In Nigerian, legal textbooks of reputable standards have been written by Obilade, Nwogwugwu, Okonkwo, Kodilinye, Aguda, among many others. Professor Sagay has written extensively on international law. All these present a potent source of Nigerian law and there can be authority where there is scanty or absence of judicial decisions, in which situation they could be of persuasive authorities. Where such works are cited, the weight to be attached to them will depend on the personality of the author and the significance of the subject covered.

- **Legal Periodicals/Journals:** Legal periodical article are in-depth discussions of narrow areas of the law and legal issues. Articles in academic journals tend to revolve around very theoretical and cutting-edge legal issues. Articles in practitioner-oriented journals tend to be more practical. Periodical articles can be a very good law finder, they tend to have many footnotes with a lot of legal citations. Some articles by eminent scholars can be persuasive. Occasionally, legal periodical articles can be useful for explaining the law, but often they are too theoretical for that. The major American legal periodical indexes are *the index to Legal Periodicals (also Lexis and Westlaw)* and *Legal Trac*. In addition to the two major North American periodical indexes described above, there are many indexes devoted to articles on particular topics.

When using an index database such as legal periodicals index or a library catalog, a good strategy is to identify a book or an article that looks relevant, notice the subjects or descriptors assigned to the item by the indexer or cataloger and run a new search based on the subjects or descriptors found. In general, full-text sources are not very good tools to use for finding periodical articles on a particular topic. However, there are several databases that include full-text legal periodical articles; *Lexis and Westlaw* contain the full text of legal periodical articles for many law reviews from roughly the past decade. *Hein Online* contains the full text of legal periodical articles for many hundred law reviews from their inception until a year or two ago. To use a full-text tool to find periodical

articles, a user has to construct an online search and the online search will return articles that contain the particular language that the user chose. An index, on the other hand, will get a user articles that an editor has decided are about the topic selected.

- **Legal Encyclopedias:** Legal encyclopedias are immense sets of books that briefly describe all of the main legal issues for a particular jurisdiction. An encyclopedia can provide a basic introduction to an area of law and will provide the user with some case and statutory citations. Legal encyclopedias will not delve deeply into area, nor will they discuss the finer points of an area of law. They also provide citations to relevant primary law and sometimes give citations to relevant major law review articles. Legal encyclopedias are available online and in print. The two national encyclopedias are; *American Jurisprudence 2d (AMJUR)* and *Corpus Juris Secundum (CJS)*. Many states also have legal encyclopedias, which are available in print or online (*Lexis/Westlaw*).
- **ALR (American Law Report):** ALR provides topical annotations that focus on relatively narrow areas of the law, but discuss it in some depth. They provide a good basic grounding in law, as well as serve as good case finding tools. ALR is available in print and on *Lexis and Westlaw*. Annotations can be identified in print by using the *ALR Index* to annotations and online via online searches. Note that the ALR titles tend to be very descriptive. So, it can be useful to limit your search to the title field. In addition, the second section of an ARL annotation generally covers related annotations. This is often worth examining.
- **Restatement:** The restatement was developed by legal scholars initially to restate the law, and currently to describe what the law should be. In either case, Restatements are very persuasive although they are not very good at describing the law. They can serve as adequate law finders. There are restatements for many areas of law but not all. The Restatements are available on *Lexis and Westlaw* and in print. Online, they can be searched in full-text, in print you would use the library catalog to identify the relevant restatement and then the restatement's own index to find the relevant sections.
- **Looseleaf Services:** Looseleaf services bring together all of the law on a particular topic. Looseleaf services don't exist, they can be an invaluable resource. They are rarely cited except when they serve as a case reporter. However, for a researcher, they bring together in one place the code, administrative regulations, court decisions, administrative decisions, citators, finding aids, commentaries, forms, etc. Looseleaf services are moving online. To identify a relevant looseleaf service, whether in print or online, use the *Legal Looseleafs in print* or a directory search in *Lexis/Westlaw*.

**References:**

- Black's (Westlaw)
- Ballentine's (Lexis)
- Barron's (Bloomberg)
- Black's Law Dictionary.

- Other legal dictionaries