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LEVEL:100

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QUESTION: DISCUSS SECONDARY SOURCES OF LAW

THE SECONDARY SOURCES OF LAW

The secondary sources of law often explain legal principles more thoroughly than a single case or statute, so using them saves time. The secondary sources are the indirect ways through which we get our law.

The distinction between primary and secondary sources of law is very useful in determining authorities to follow in the law courts. If a case is brought to the court and one party uses the primary sources of law as his authority and the other uses the secondary source, the judge will most likely rule in favour of the party that presented the primary source as their authority. The secondary source is used when there is no primary source to fall back on.

The secondary sources:

* Law reports
* Text books and treaties
* Periodicals, journey and legal digest
* Case books
* Legal dictionary
* News paper.
* LAW REPORTS: law report are series of books that contain judicial decision 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 law report is essential for the growth of case law system. Example of a law report is Nigerian weekly law report by late chief Gani Fawehinmi.
* TEXTBOOKS AND TREATIES: on points of law, especially when such points have not been recently decided in the course or where the position of the law on the point is not clear the court may turn to a text book written by a notable author for assistance. But the books arent persuasive enough so are therefore not reliable. The evidence law provides as regards to any customary law that can be found in any book or manuscript recognized by natives as an authority Is relevant especially books written by seasoned legal Icons. 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.
* PERIODICALS, JOURNALS AND LEGAL DIGESTS: **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 source.**

Law reviews are scholarly 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. These are produced in various forms and colours in Nigeria. Some are professional while some are academic, and yet some are a mixture of both. For instance, in Nigeria, there exist learned journals published by different law faculties as well as private law publishers. Digests are equally available for example, the Digest of Supreme Court Cases. Digests are abridgements of cases, that is, they are useful summaries of the facts, issues, arguments and decisions in judicial proceedings. Some foreign legal dictionaries are also available in Nigeria. Some of these are Jowitt’s Dictionary of English Law, Stroud’s Judicial Dictionary, etc. All the above provide helpful guidance in interpreting Nigerian law.

* CASE BOOKS: A casebook is a type of textbooks used primarily by students in law schools. Rather than simply laying out the legal doctrines in a particular area of study, a casebook contains excerpts from legal case 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 treatsies, historical notes, editorial commentary, and other related materials to provide background for the cases.

The teaching style based on casebooks is known as the casebook method and is supposed to instil in law students how to "think like a lawyer. The casebook method is most often used in law schools in countries with common law legal system where case laws is a major source of law.

Most casebooks are author casebook professors usually with two, three, or four authors, at least one of whom will be a professor at the top of his or her field in the area under discussion.

* LEGAL DICTIONARIES : a legal dictionary is a big book that contains legal terms and their meanings. Legal dictionary is a dictionary that is designed and compiled to give information  about terms used in the field of law. It gives further understanding to the terms used in law. Its provides clarity in the court.