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**ASSIGNMENT: DICUSS SECONDARY SOURCES OF LAW IN NIGERIA**

**COURSE CODE: LAW 102**

**What is a secondary law?**

Secondary law (also called subordinate) legislation is all other forms of legislation that are not Acts of Parliament. Secondary sources of Nigerian law are the indirect ways through which we get our law. Saved from 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 resources are books and other materials about legal subjects and issues: they discuss and explain primary resources such as cases and statutes and can be useful in assisting our understanding about specific areas of law.

A secondary source is not the law. It's a commentary on the law. A secondary source can be used for three different purposes;

1. It educates you about the law

2. It directs you to the primary law

3. It serves as persuasive authority

Few sources do all three jobs well. The important classes of legal secondary sources include: treatises, periodical articles, legal encyclopedias, ALR Annotations, Restatements, and Loose leaf services.

**Treatises**

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're 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.

**Legal periodicals**

Legal periodical articles 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 very good law finders; they tend to have a great 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

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 a legal periodical index or a library catalog, a good strategy is to identify a book or 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

Secondary sources are all the materials that are about the law. They are written by lawyers, law professors, law students, independent authors, and publishers' staff writers. They are useful in understanding the law, but they are not the law. You can't go to jail for disobeying a treatise or failing to comply with a dictionary. Secondary sources criticize, describe, discuss, and summarize the law found in primary law sources. (Primary law includes constitutions, laws, judicial opinions, and regulations.)

**Examples of** **secondary sources, used for different purposes:**

1; **Casebooks**: are collections of edited cases and other materials used to explore different issues in classes. They are generally not used in research.

2. **Study aids**: (including Hornbooks, outlines, and Nutshells) are used to get an overview of a topic. They are meant to complement what is covered in a class. See Study Aids for Law Students.

3. **Text book and Treatises:** (often many volumes) cover areas in depth. They are used to learn a lot about an area. Often researchers use tables of contents, indexes, or online searches to find a short section that covers a narrow question.

4**. Legal Dictionaries**

5. **Law reviews and other legal periodicals publish articles with scholarly analysis of legal issues.**

6. **Newspapers**

**What is the use of Secondary sources?**

It is often useful to start your research by finding an on-point secondary source, especially for an unfamiliar area of law. But why? Why not just start searching for relevant cases or statutes? Well, as explained by Kent C. Olson in Legal Research in a Nutshell (13th ed. p. 25),

Primary sources such as statutes and cases can be confusing, ambiguously worded documents. Secondary sources are usually more straightforward and try to explain the law. They summarize the basic rules and the leading authorities and place them in context, allowing you to select the most promising primary sources to pursue. In other words, starting with a secondary source is more efficient and will provide you with an understanding of the forest and help you identify the most important individual trees.

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 before a court and one party uses a primary source of law as his authority while the other makes use of secondary sources, the scale of justice would tilt in favor of the person who presents primary sources of law.

**REFRENCES**

1; Lillian Goldman law library (Yale law school)

2; Gallagher law library University of Washington School of law

3; Washington practice materials article shared

4; Article written by Olarewaju Olamide