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**COURSE TITLE: LEGAL METHOD II**

* Discuss secondary sources of law in Nigeria

**SECONDARY SOURCES OF LAW**

Secondary sources of law are reference materials. It is not the law, but it is a commentary on the law. They are background resources used by lawyers in cases. They explain, interpret, and analyze. They are a good way to start research and often have citation to primary sources. Secondary sources of law are used to locate primary sources of law, define legal words and phrases, or help in legal research. Primary sources of law are the actual law in the form of constitutions, court cases, statutes and administrative rules and regulations. A secondary source of law may restate the law, but it can also criticize, discuss, and describe the law. They include encyclopedias, law reviews, restatements, legal dictionaries, law journals, manuals and guides on how to practice law, treatises, loose-leaf services, bibliographies, among other secondary sources. They are persuasive in nature and do not carry a dominant legal weight and binding effect. They are not binding on any court of law.

According to Beredugo, examples of secondary sources of law include:

* Decisions of courts of foreign countries
* International conventions, treaties, and resolutions of international bodies
* Statements or opinions of jurists and learned authors contained in law textbooks, journal, periodicals, dictionaries, among others.
* Legal opinions in nullified judgments.

1. **LEGAL JOURNALS:**

Legal journals are the most current sources of law because of their frequency of publications, some being monthly, quarterly, half-yearly or bi-annual. They contain scholarly articles, commentaries, notes and comments on current legal problems. Legal journals that are of the general nature may contain articles reflecting various subject background and recent issues in law.

1. **TREATIES:**

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 known as an international agreement, protocol, covenant, convention, pact, or exchange of letters, among other terms. Where the law-making bodies of the subscribing countries have confirmed and accepted such treaties, they become binding. They serve as a useful source of law especially in the area of international law.

* **Legal digests:** These serve as foreign sources of law. They are summaries of cases judicially considered. The only difference between digests and law reports is that digests are works of mere paraphrasing of cases in very concise and understandable forms.
* **Precedent books:** They contain sample of works done by legal authors for others to follow.

1. **LAW REPORTS:**

These 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.

1. **LEGAL ENCYCLOPEDIAS/ DICTIONARIES:**

An encyclopedia is a book or set of books giving information many subjects or on many aspects of one subject and typically arranged alphabetically. It is a reference work or compendium providing summaries of knowledge from all branches or from a particular field or discipline. They are divided into articles or entries that are often arranged alphabetically by article name and sometimes by thematic categories. They also provide citations to relevant primary law and sometimes give citations to relevant major law review articles. They provide more in-depth information than a legal dictionary.

A legal dictionary contains the definitions of legal terms taken from a variety of sources. The two most commonly used law dictionaries are Black’s Law Dictionary and Ballentine’s Law dictionary. The law library keeps some Standard English Language Dictionaries and lexicons. These dictionaries help in verifying the meanings of words and phrases assist in the use of appropriate style, construction and framing of legal sentences to provide some precision, conciseness, simplicity and unity, all of which are important qualities of any source of law.

1. **LEGAL PERIODICALS:**

They contain articles about emerging areas of law and are written by professors, practitioners, judges, and law students. Commonly used legal periodicals include law reviews, law journals, and bar journals. A bar journal is a trade magazine published by a bar association or a lawyers’ association. Legal periodicals are often the first secondary source of law to cover new and emerging areas of law and to highlight development and changes in the existing law.

1. **INTERVIEWS and NEWSPAPERS:**

Interviews granted by legal writers and jurists can also serve as a source of law. The reason is that these legal bodies are regarded as authorities and thus the legal letters or speeches written by them are persuasive and form secondary sources of law.

Newspapers and magazines clippings provide the most accessible current sources of research materials and thus form a secondary source of law. Articles in newspapers cover wide areas of subject matters spanning every imaginable field of human endeavor. The only difficulty in this is that facts contained in a particular report may need to be further clarified from the writer or publisher for authenticity. However, newspapers are veritable sources that provide quick information on topical issues.

1. **TREATISES:**

Treatises are book-length expositions on the law as it pertains to a particular subject. They may be scholarly in nature, such as Blackstone’s Commentaries on the Law, or they may be geared towards a legal practitioner.

* **Legal Hornbooks:** These are designed as teaching tools for law students. They provide more detailed treatments of particular areas of law than an encyclopedia. They generally contain summaries of landmark cases and their useful details.
* **Nutshells:** They provide an overview of a legal topic without the detailed analysis or extensive case referencing found in other treatises.

Some treatises are designed to serve as practitioners’ tools. They tend to address realistic legal problems and often provide useful features for practicing lawyers such as forms and tables.

* **Looseleaf services:** These are designed to serve as tools for practitioners. Looseleaf services are frequently supplemented treatises--hence the looseleaf binder format that enables single pages to be easily updated without republishing the entire volume--that often contain primary legal sources and finding aids in addition to secondary analytical material, making them an invaluable resource if one exists for your topic.