

WELL-STOCKED LAW LIBRARY: A SINE QUA NON FOR THE LEGAL PROFESSION

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Abstract:

Purpose: The study was carried out to investigate the impact of well stocked law library to legal practitioners, law lecturers, and students.

Design/Methodology/Approach: A descriptive survey design was adopted in carrying out the study. Three research objectives guided the study. The population of the study consist of legal practitioners, law lecturers and law students. From the population, a sample size of 445 was randomly selected for the study. A self-developed questionnaire was utilized for the instrumentation. 445 copies of the instrument were distributed to respondents and 400 were correctly filled and returned, which constitute 89% respondent rate. The collected data was arranged in frequency and percentage and analyzed using mean score and standard deviation.

Findings: The findings of the study revealed that the success of legal profession is basically dependent on a well-equipped and sound library, legal profession is one that thrives on books and drives its substance from the power of the written words, acquired, preserved and made available.

Practical Implication: The scarcity of law books, poor funding, lack of internet connectivity, gaps in acquisition of law reports, difficulties in acquisition of government/reports etc are the key problems confronting law libraries.

Originality/Value: It is recommended that Government, University managements and ministries of justice should ensure proper funding of law libraries to enhance legal education/practice. Finally, students, lecturers, lawyers, legal draftsmen/practitioners are encouraged to acquaint themselves to law reports, journals and texts which are in abundance in the library collections.

Keywords: Law, Libraries, Legal Profession, Lecturers, Students.

Paper type: Empirical research

Introduction

Law is different from all other subjects. It is broad based and cannot be easily delineated. It accommodates and encompasses all other subjects. It is not amenable to a precise definition. Lloyd cited in Olumese(2004) said that much juristic ink has flown in an endeavour to provide a universally accepted definition of law but with little sign of attaining the objective. To Edeko (2003) law can never be defined easily due to its scope. Lloyd further suggests that since definitions are more than mere linguistic recommendations, they may be more valuable as a summing up of a discussion than as a series of axioms from which discussion is developed. Moreover, it may be easy to define names or concrete nouns but difficult to assign meaning to abstract nouns and concepts. For example, Tobi (1982) in his book "Source of Nigerian Law" expressed that law is an abstract terminology. That it is not only abstract; it is vague and

nebulous. As such makes it very difficult to have a precise definition of the term law or to ascribe a universal definition to the term. It is a large term which is impossible of a meaningful delimitation as to scope and content.

Jurists have tried over the years to give an appropriate definition of the term but without success. Despite the complexities that are involved in defining the subject of law, attempts have been made by lawyers, judges and legal philosophers to provide a comprehensive commonly acceptable definition of law at various intervals. Shikyil and Gidado (2016) argued that put together all the definitions by legal scholars, they do not present a complete meaning of law.

Flowing from the above, the difficulty in providing general acceptable definition of law is that it is subject to varied meanings and construction. Shikyil and Gidado (2016) affirmed that since law regulates social

relations between people which are dynamic, thus the definition of law cannot be static. The import of this assertion is that law is meant to regulate relations between people in the areas of social, economic and political spheres which changes from time to time, so would the aspect of the law which deals with such areas of human relations change.

Edeko(2003) defined law as the command of a sovereign. The author maintained that law is the command of a sovereign authority intended to be obeyed by the people under that authority supported by sanctions. By and large, law could mean a body of rules and regulations that guide human action enforceable and supported by sanctions. These rules and regulations are recorded in both print and non-print and kept in library for consultation.

Library could be described as a place where books and other forms of recorded information are professionally acquired, organized, processed, preserved and made available or accessible for use. The overriding objectives of the library according to Ogbonna (2014) has remained constant over the years and it is; identifying, collecting, (acquiring), organizing, processing, preserving(storing), retrieving and disseminating or providing access to information sources to satisfy the needs of the users. There are many types of libraries, namely, academic, national, public, school and special libraries.

Law libraries like any other special library are repositories of the legal information resources which have grown over the years at an unprecedented pace, aimed at providing information services to the legal profession both at study and practice level (Ainoko, 2016).The author further maintained that the aim of an information provider is to satisfy users' information needs by providing him or her with the right information at the right time and through the right means.

The law library's collection is made up of books on different areas of law and variety of journals, reference materials, government publications, law reports etc. The substance of legal profession is basically dependent on a sound law library. It is on account of this that Ajodeji (1990) opined that legal profession is one that thrives on books and drives its sustenance from

the power of written words acquired and preserved and made available.

The library does not just make information available, such information must be relevant to meet the needs of users if they must perceive that the information available in law libraries is adequate to meet their needs Ukpanah and Afolabi,(2011). To achieve this, the authors maintained that the law librarian must therefore be able to effectively organize, access, retrieve and efficiently disseminate information in the library resources. Lawyers and law students place much value on their libraries for they regard it as their "plant" or tools of trade (Ejimofo, 2009).

Examining the importance of well-stocked law library to legal practitioners, law lecturers and law students is like appraising the overbearing importance of law libraries to them. This underscores why we may take time to evaluate the importance of legal information resources in a well-stocked law library. We may, however, do this appraisal by outlining and making specific emphasis on books and electronic resources in a well-stocked law library to the underlisted of person.

To the law lecturer, it is absolutely an impossible task for him/her to perform his/her duty of lecturing his/her students without having access to well-stocked law library. The dynamic nature of legal profession and as a course is such that a law lecturer must always avail himself the opportunities of using well-stocked resourceful library, in order to refresh, and get abreast with emerging trends in his area of teaching. This is what he/she does by consulting the various law reports that are published weekly and monthly. These publications will provide law lecturers in-depth idea of various reviews and judicial precedents that are churned out constantly from various decisions and pronouncements of courts of superior records. Any law lecturer who does not avail himself/herself the opportunity of reading these legal resources in law library stands the risk of impacting poor and out-dated knowledge to the students.

On the part of the legal practitioner who represents his clients on cases arising from conflicts of law is duty bound to always access a well-stocked law library to update his knowledge and understanding on the points of

law and facts that are associated and related to the case(s) before him. In event where the lawyer or legal practitioner fails to do this, there is every probability that he may not fare very well in representing his clients.

Judges and magistrates are not left out, as they are equally expected to make use of law libraries that are well-stocked with quality books, law reports and electronic resources within their courts in order to update their knowledge on legal development. The effect of non-utilization of well-stocked law library resources by judges and magistrates entails that judgements and decisions reached upon by them may not hold, as they stand being quashed at appeal.

The use of a law library by legal draftsmen in the course of carrying out their duties and functions cannot be over emphasized. Legal draftsmen are experts in legal drafting on issues generally brothing on laws. It is difficult, if not impossible for these men in their chosen career to successfully deliver on their mandate without the use of law libraries. They conduct researches and references on already existing laws in relation to their proposed new bills which will be passed into law after proper passage by the relevant enabling law-making bodies.

From the foregoing well-stocked law library is a predictor for teaching, learning and research for law lecturers, legal practitioners, who represent their clients; judges and magistrates who decide cases before them in their courts, legal draftsmen who draft new bills that will be passed into law and as well enhance their capacity building of the lecturers who are expected to impact knowledge on the students.

Objective of the Study

The study will be guided by the following:

1. To determine the impact of well-stocked law library to legal practitioners, law lecturers, and students.
2. To identify the problems affecting stocking of law libraries with relevant legal materials.
3. To suggest ways to improve acquisition of legal materials in law libraries.

Literature Review

Concerted efforts have been made by scholars on the impact of well-stocked library to the legal

profession. Tuhumwire and Okello-Obura(2010) opined that of all the professions, law has the largest collection of books because a well-stocked reference law library is important to a lawyer, as well as to the judges in administration of justice. This agrees with Campbell(1988) who depicted that law books are lawyers' tools of trade and facility in their use is a measure of their professional competence. This statement is affirmed by Gilbert in Aname (2010) remarked that:

There is no class of men, professional or otherwise as dependent upon books as the lawyers. There is no library of whatsoever kind or nature which so directly pertains to the interest which it is designed to serve as the law library. The lawyer's books are his tools without which he would be unable to provide for himself and his family (p.1).

Tuhumwire and Okello-Obura (2010) further maintained that a lawyer will always make a poor submission if he does not refer to legal authorities, and a judgement will not be rich without referring to previously decided cases as authorities. This could only be achieved by utilizing legal information content of well-stocked law library, which select, acquire, process, preserve and disseminate legal information sources. It is against this background that Aname (2010) noted that the law library information content is the engine that runs the legal machine, vibrates and propels the legal system and energises the legal profession.

Buttressing the importance of law library to the legal profession, Ekundayo (2000) remarked; that "what is anyone looking for in the legal profession anyway, if he does not intend keeping a good library?" A lawyer is better off without wig and gown than without books. Without wig and gown, he may still make a living as a solicitor, legal executive, or even as an advocate appearing before those courts that carry on happily without robes. But with no library he would be sharing the fate of a blind man holding a driving licence.

In the celebrated case of *Munby v Furlong* (1977), in this case a barrister claimed tax allowances for expenditure incurred on law

reports and textbooks. The Court of Appeal in her wisdom held that the law library as intellectual storehouse and information disseminator is to be regarded as 'plant' of the legal profession for tax exemption purposes. His Lordship, Lord Denning in his judgment adumbrated that; "it seems to me in the interest of fairness, that "Plant" extends virtually to man's tools of trade...It extends to things which he uses day by day in the exercise of his profession...I would therefore allow this appeal and hold the library to be a plant.

Stressing on the importance of law library, Ejimofor(2009) expressed that lawyers and law students place much value on their libraries for they regard it as their 'plant' or tool of trade. According to Osho(2008) who documented thus:

No law faculty can teach all the law in the classroom, for this purpose, thoroughly acquaint yourself with the law library. The law is only partial in your lecturers' brains, the whole law is in the law reports, journals and texts which are in abundance in the library. Our goal in the faculty is to ensure that you acquire not only legal knowledge for practical value, but much more to acquire training in legal thinking and this you can only achieve if you apply yourself diligently to the use of the library(p.6)

This is in agreement with Williams (2002) who advised law students not to rely on lecture notes and textbooks alone in their study of law because;

The great disadvantage of continuing oneself to textbooks and lecture notes is that it means taking all one's law at second hand. The law is contained in the statutes and judicial decisions; what the next writer thinks is not itself law. The author may have misinterpreted the authorities, whereas the reader who goes to the authorities directly goes to the fountain head.(p.23)

Aname(2010) depicted that within the organizational environment the law library primary role is to provide the parent or establishing body resources and facilities for

teaching, research and practice. The author maintained that the law library updates changes in the law, provides conducive reading environment for research in the law, and provides ICT facilities to improve and complement existing resource.

It is against this background that Omekwu (2003) opined that law library:

- i. enables the trainee legal professional to develop appropriate level of information literacy
- ii. enhances the professional effectiveness of the legal practitioner,
- iii. energizes the legal research process
- iv. empowers justice administration by reducing uncertainty level while improving decision accuracy in the operating environment;
- v. ensures consistent growth of all levels of legal system and institutions

Despite the numerous benefits of law libraries to the legal professionals Law books are in short supply in Nigeria particularly law books emanating from other countries of the world. Haruna (2006) recorded that the economic recession in the country, with its attendant problems of hyper-inflation and foreign exchange, seems to have limited the ability of individual lawyers and law libraries to acquire needed information materials for utilization. He further maintained that the financial contributions from universities, private law chambers and superior courts of records to libraries, being the hub of information exchange, will be paltry.

It is in the light of this that Jegede (1992) opined that discussion on scarcity of books which goes unabated is a problem that has assumed many dimensions and its negative effect on studying learning and professional practice is unfathomable. Commenting on the deplorable state of the law libraries in our various courts throughout the country, Bello (1994), maintained that for a long time, the stocks of these libraries has not been replenished due essentially to lack of funds.

The consequences of this ugly situation according to Haruna (2006) could be grave for the professional effectiveness of legal practitioners as it could hinder effective

information transfer as in effect slows up the pace of work. The author reiterated that the dearth of information resources for effective legal practice was further compounded by lack of professionalism in running some law libraries, and that because non-professionals were often entrusted with the management of some law libraries; the collections of such libraries were often lopsided.

It is against this background that the bodies that regulate legal education in Nigeria, the Council of Legal Education (2002) and the National Universities Commission (2018) have made it mandatory that law librarians in faculties of law libraries must have a law degree and a professional degree in librarianship.

The argument is that such librarian will know the needs of the law faculty much better than a non-law degree holder. He/she will be in a better position to make sound judgment about the collections in the law library as well as take care of peculiar reference needs of the law students and researchers. If this is taken it will improve the services of law libraries, invariably will enhance the quality of teaching, learning and research. Qualified personnel is a *sine qua non* for effective and efficient service delivery as it takes the ingenuity of a well-grounded information professional to acquire relevant and up-to-date information resources in a proper manner to facilitate effective dissemination and as well preserve and maintain same as documented by Ainoko (2011).

Since no library can afford to satisfy her patrons no matter how rich the library could be, there is the need for law libraries to come together in form of collaboration as to assist one another. This now calls for consortium. Consortium is an association or grouping of institutions or financial organizations usually set up for a common purpose that would be beyond the capabilities of a single member of a group Anyaegbu (2011). This entails a group of law libraries agreeing to work together to promote free access to information held by individual libraries. It is as a result of this that Mudd and Havens (2009) in Anyaegbu (2011) jointly agreed that library cooperation in the 21st century would conquer barriers of physical distance, cultural differences in goals, methods,

constituencies, philosophy, organization, bureaucracy, finance, cost etc.

Adequate funding has always been at the centre of an idea of establishing a standard law library. According to Doseff (1992), with adequate funding, law libraries would be able to acquire all necessary information and resources in both legal and other related discipline to facilitate dispensation of justice at the court level, promulgation of laws by our parliamentarians and enhancement of research in our legal institutions. This has the support of Ainoko (2011) who recorded that the issue of funding should not be limited to the initial establishment of law libraries but also its maintenances. The import of this is that fund should always be made available to enable law libraries update their collections for the benefit of the users which is the reason for establishing them.

On the security of the legal materials held in law libraries, Emojorho (2011) remarked that the loss of library materials therefore is of great frustration to the library users and staff of the library when library materials in the catalogue or database is not found on the shelves or appropriate place due to security lapses and loss of library materials. The author further maintained that stiff penalties should be well spelt out for dishonest users associated with theft, mutilation, illegal removal of library material or vandalism. The author is of the opinion that if this proposal is adopted will go a long way in preserving of materials held in law libraries.

From the above exposition, it is impossible for lecturers to impart the right knowledge to students of law without having access to well-stocked libraries that are filled with books and other relevant publications. The students also will be made half-baked without access to library well-equipped with legal information sources, as their knowledge and capacity to understand will be very highly limited. The lawyers, the magistrates and the judges will not fare well in their profession without access to well-stocked libraries, as most of their decisions will be jaundiced at the end of the day. Decisions reached in these manners will be constantly subjected to constant periodic reviews, given that such decisions were reached out in error.

Methodology

The design for this study is the descriptive survey research design. The population of the study consist of all law students of in the University of Port Harcourt. Random sampling technique was employed to sample 445 respondents (Table 1). A self-developed

questionnaire was utilized for instrumentation. 445 copies of the instrument were shared to the respondents and 400 was correctly filled and returned, which constitute 89.9 percent response rate. The collated data was arranged in frequency and percentage and analyzed using mean score and standard deviation.

Table 1: Population Distribution

s/n	Gender	Number sampled	Number responded	Percentage
1	Male	230	196	49%
2	Female	215	204	59%
3	Total	445	400	100%

Results and Discussion

The findings from Table 2 shows that the respondents agreed to all the statement made in favour of the positive impact of a well-stocked library. Items 1, 2, 3, 4, 5, 6, 7, and 8 obtained mean scores of 2.8, 2.5, 3.0, 3.1, 3.3, 3.2, and 3.4, respectively. All of which are above the criterion mean score of 2.5 ($\sum x \geq 2.5$). Consequently, the finding agrees with the

assertion of Ajodeji (1990) that legal profession is one that thrives on books and drives its sustenance from the power of written words acquired and preserved and make available. Hence, the substance of legal profession is basically dependent on a sound law library. Therefore, the impact of a well-stocked law library on the legal profession cannot be over-emphasized and should be at the forefront of every legal practitioner.

Table 2: Impact of well-stocked library.

s/n	Items	SA	A	D	SD	CX	X	S±	Decision
1	Well-stocked libraries are the fulcrum to successful legal practice.	10(3%)	296(74%)	86(22%)	8(2%)	2.5	2.8	1.5	Accepted
2	Legal resources in law libraries are essential legal tools.	20(5%)	204(51%)	130(33%)	46(14%)	2.5	2.4	Accepted	
3	Adequate legal resources promote best practices among legal practitioners.	40(100%)	301(75%)	59(15%)	-	3.0	1.8	Accepted	
4	Legal practitioners who have access to adequately stoked law library performs better than those who have such access.	57(14%)	330(83%)	10(3%)	3(1%)	3.1	2.6	Accepted	
5	Well stocked libraries will enhance law students' academic performance	139(35%)	256(64%)	5(1%)	-	3.3	1.1	Accepted	
6	A judge who has access to well stocked law library will be up to date on legal development.	80(20%)	302(76%)	18(6%)	-	3.2	1.3	Accepted	
7	Any law lecturer who want to excel in his chosen career should avail himself of well stocked law library.	160(40%)	220(55%)	20(5%)	-	3.4	2.6	Accepted	

Weighted mean 3.0 ≥ 2.5 Significant

Recognising the importance of a well-stocked law library, it is pertinent to also take cognisance of challenges facing the adequate stocking of law libraries. The finding from table

3 shows that the respondents accepted poor funding (3.1), lack of internet connectivity (4.9), gaps in law reports (3.1), difficulties in acquisition of government publications/reports

(3.3), inadequate subscription to legal resources and databases (3.0), and inadequate photocopy facility (3.1) as problems encountered in stocking a law library. This is in concord with Jegede's (1992) submission that the scarcity of books which goes unabated is a problem that has assumed many dimensions and its negative effect on studying, learning and professional practice is unfathomable. Also, Bello (1994), maintained that for a long time, the stocks of these libraries has not been replenished due essentially to lack of funds. This situation according to Haruna (2006) could be grave for the professional effectiveness of legal practitioners as it could hinder effective information transfer as in effect slows up the pace of work.

However, item 4 (lack of qualified law librarian) was rejected, this is in sharp contrast with the assertion of Haruna (2006) that the dearth of information resources for effective legal practice is further compounded by lack of professionalism in running some law libraries, and that because non-professionals were often entrusted with the management of some law libraries; the collections of such libraries were often lopsided. Perhaps, the intervention by the Council of Legal Education (2002) and the National Universities Commission (2018) that mandated that law librarians in faculties of law libraries must have a law degree and a professional degree in librarianship has created professionalism in law librarianship.

Table 3. Problems affecting stocking of law libraries.

s/n	Items	SA	A	D	SD	CX	X	S±	Decision
1	Poor funding	19(5%)	300(75%)	76(19%)	5(1%)	2.5	2.9	8.3	Accepted
2	Scarcity/high cost of legal materials	55(14%)	342(86%)	3(1%)	-		3.1	1.7	Accepted
3	Lack of internet connectivity	26(7%)	283(71%)	21(5%)	70(18%)		2.7	2.3	Accepted
4	Lack of qualified law librarians	29(7%)	184(46%)	112(28%)	75(19%)		2.4	4.9	Rejected
5	Gaps in law reports	22(6%)	129(32%)	241(60%)	80(20%)		3.1	0.6	Accepted
6	Difficulties in acquisition of government publications and reports	52(13%)	280(70%)	40(10%)	28(7%)		3.3	2.6	Accepted
7	Inadequate subscription to legal resources/databases	139(35%)	256(64%)	-	5(1%)		3.0	2.2	Accepted
8	Inadequate photocopy facility.	57(14%)	330(83%)	10(3%)	3(1%)		3.1	2.4	Accepted
Weighted mean 2.9 ≥ 2.5 Significant									

The findings from Table 4 show that the respondent accepted all the suggested ways of improving the stocking of law libraries. The finding proves that stocking law libraries would be beneficial to the legal profession. In agreement, the finding promotes library consortia. This entails a group of law libraries agreeing to work together to promote free access to information held by individual libraries. It is as a result of this that Mudd and Havens (2009) jointly agreed that library cooperation in the 21st century would conquer barriers of physical distance, cultural differences in goals, methods, constituencies, philosophy, organization, bureaucracy, finance, cost etc. Also, the result showed that legal

professionals recognized the importance of well-stocked library to their profession, as Tuhumwire and Okello-Obura (2010) opined that a lawyer will always make a poor submission if he does not refer to legal authorities, and a judgement will not be so rich without referring to previously decided cases as authorities. This could only be achieved by utilizing legal information content of well-stocked law library, which is select, acquire, process, preserve and disseminate legal information sources. This realization further supports the assertion of Aname (2010) that law library information content is the engine that runs the legal machine, vibrates and propels the legal system and energises the legal profession.

Table 4. Ways of improving the acquisition of legal resources.

s/n	Items	SA	A	D	SD	CX	X	S±	Decision
1	Adequate funding of law libraries by management.	269(30%)	202(23%)	282(31%)	145(16%)	2.5	2.7	0.14	Accepted
2	Government support for local content publishers to reduce cost of foreign books.	229(26%)	239(27%)	264(29%)	166(19%)		2.6	0.16	Accepted
3	Government should make her reports/publications readily available.	443(49%)	224(25%)	136(15%)	95(11%)		3.1	0.19	Accepted
4	Creation of open repository for legal resources.	404(50%)	229(26%)	165(18%)	100(11%)		3.0	0.03	Accepted
5	Encouraging more library consortia.	387(43%)	183(20%)	146(16%)	182(20%)		2.9	0.07	Accepted
6	Subscription to electronic legal resources/databases.	379(42%)	200(25%)	157(18%)	162(18%)		2.9	0.06	Accepted

Weighted mean 2.8 ≥ 2.5 Significant

Conclusion

Evidence from literature showed that the definition of the concept of law eludes any single meaning because law derives its essence in the culture, custom and norms of a society. Also, the process of law is always in continuum as a dynamic concept that stretches to encapsulate changes in man's environment. Thus, law to professionals from various field bears meaning in the context of their profession. However, this is more important for those in the corridors of law profession – lawyers, lecturers, students, and legal draftsmen/practitioners, who professionally tasked to understand and interpret law in a consensus undertone. Considerably, no man is a precursor of all existing knowledge, hence, the concept of a law library. Law library is the repository of legal information resources.

From literature, and the findings of this study, it is proven that the substance of legal profession is dependent on a sound law library. Therefore, knowledge of law is expected to keep pace with trends in the area, thus, no faculty or lecture note that can teach law in its entirety in the classroom, perhaps, the situation under classroom settings predisposes legal practitioners on the use and understanding of law but not impact the knowledge of law in its entirety. It is on this ground that adequate stocking of law libraries is justified. However, the findings suggested that law libraries are under-stocked due to several challenges such as funding, lack of internet resources and facilities,

and government practices. This bears catastrophic consequences to the legal standing of the Nigerian society, because the law library is the brain of legal practice of every society. It is therefore, recommended that government, university management and ministries of justice ensure proper funding of law libraries or face the dangers of half-baked legal process. Also, students, lecturers, lawyers, legal draftsmen/practitioners are encouraged to acquaint themselves to law reports, journals and texts which are in abundance in the library collection.

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