



OASIS RESEARCH WRITING

Legal Writing Series

Difference Between Legal Research and Legal Opinion

A Practical Guide for Law Students, Advocates, and Legal Researchers

Introduction

Legal research and legal opinion are two distinct stages of the same professional process, and they are often confused precisely because one leads directly into the other. Research comes first: it gathers, verifies, and organises the law. Opinion comes after: it commits to a position based on that law.

Treating the two as interchangeable is one of the most common errors made by junior researchers and law students. A well-researched answer is not automatically an opinion, and a confident opinion is worthless if it is not built on disciplined research. Understanding where one ends and the other begins is essential to producing reliable legal work.

What is Legal Research?

Legal research is the systematic process of identifying, locating, and analysing the law relevant to a particular question. It answers the question: *what does the law say, and what authority supports that?*

Legal research is investigative rather than conclusive. Its output is a mapped landscape of applicable statutes, regulations, case law, and secondary commentary — not necessarily a final answer. Good research surfaces conflicting authority as readily as supporting authority.

Key Features of Legal Research

- **Fact-finding and source-gathering** — locating every primary and secondary source relevant to the question.
- **Neutral in orientation** — research does not argue for an outcome; it lays out what exists.
- **Foundational** — it is the raw material used to write a memorandum, brief, or opinion.
- **Iterative** — research often continues after drafting begins, as new questions surface.

What is a Legal Opinion?



A **legal opinion** is a formal, reasoned conclusion on a legal question, prepared by a qualified lawyer, that a client or third party may rely upon. It answers the question: *given the law, what is the position, and what should be done about it?*

A legal opinion is conclusive rather than exploratory. It takes the output of legal research, applies professional judgment, and commits to a defensible position — including, where relevant, the degree of confidence in that position and the risks attached to it.

Key Features of a Legal Opinion

- **Conclusive** — it states a definite position, not merely a summary of available authority.
- **Reliance-bearing** — clients, boards, courts, or regulators may act on the opinion's conclusion.
- **Authored by a qualified professional** — an opinion typically carries a named lawyer's professional responsibility.
- **Risk-aware** — a competent opinion states not just the answer but its confidence level and exposure.

Core Differences Between Legal Research and Legal Opinion

Feature	Legal Research	Legal Opinion
Nature	Investigative and exploratory	Conclusive and decisive
Core Question	What does the law say?	What is the position, and what follows from it?
Output	Compiled authorities and analysis	A definite, reasoned conclusion
Reliance	Internal working material	Client or third party may rely on it
Authorship	Researcher, associate, or paralegal	Qualified lawyer, typically senior counsel
Tone	Neutral and open-ended	Authoritative and considered
Stage in Process	Precedes analysis and drafting	Follows research and analysis
Formality	Working document, often informal	Formal document, sometimes signed and dated

How Legal Research and Legal Opinion Work Together

The two are sequential, not competing. A legal opinion that skips the research stage is speculation; legal research that never resolves into a position is, on its own, incomplete for a client who needs to make a decision.



The Typical Sequence

1. A legal question is identified, arising from a client instruction, transaction, or dispute.
2. Legal research is conducted: statutes, case law, regulations, and secondary sources are gathered and analysed.
3. Findings are organised, often into a research memorandum, showing the state of the law and any conflicting authority.
4. A qualified lawyer reviews the research, applies professional judgment, and weighs the risks and uncertainties involved.
5. A legal opinion is drafted, stating a definite conclusion, its reasoning, and its degree of certainty.
6. The opinion is delivered to the client or relevant party, who may rely on it for a decision.

Research asks what the law contains. Opinion asks what should be done about it. Skipping the first makes the second unreliable; stopping at the first leaves the client without an answer.

Illustrative Example

A client asks whether a non-compete clause in an employment contract is enforceable.

Legal Research Stage

The researcher gathers the relevant statutory provisions on restraint of trade, compiles case law addressing reasonableness of scope and duration, and notes that courts in the jurisdiction have reached inconsistent outcomes depending on the industry involved. No conclusion is offered at this stage — only a mapped picture of the law.

Legal Opinion Stage

Senior counsel reviews the research, considers the specific clause's scope, duration, and geographic reach against the pattern in the case law, and issues a formal opinion: the clause is likely unenforceable as drafted, with a moderate degree of confidence, and a recommendation to narrow its scope.

Common Misconceptions

- **"Research and opinion are the same document."** They frequently appear in the same engagement, but they serve different functions and should be distinguishable within the work product.
- **"An opinion doesn't need fresh research."** An opinion is only as reliable as the research beneath it; stale or incomplete research undermines the opinion regardless of how confidently it is written.
- **"Research should include a recommendation."** Research should present the law accurately, including unfavourable authority; recommending a course of action is the function of the opinion that follows.



- **"A junior researcher can sign off on an opinion."** Because an opinion carries professional reliance, it is typically reviewed and issued by a lawyer with the authority and experience to stand behind the conclusion.

Frequently Asked Questions

Can legal research alone answer a client's question?

Rarely on its own. Research maps the law but stops short of committing to a position; most clients need the further step of a reasoned opinion to act with confidence.

Does every legal opinion require new research?

Not always from scratch, but the underlying research must be current. Law changes, and an opinion built on outdated research carries real risk.

Who is qualified to give a legal opinion?

A licensed lawyer, typically one with seniority and subject-matter experience appropriate to the question, since the opinion carries professional and often reputational responsibility.

Is a legal opinion always in writing?

Formal opinions, especially reliance-bearing ones used in transactions or regulatory contexts, are almost always written and often signed. Informal oral opinions occur but carry less evidentiary weight.

What happens when research reveals conflicting authority?

The conflict is disclosed in the research stage, and resolving it — deciding which line of authority is more likely to control — becomes part of the reasoning in the opinion stage.

Is a legal memorandum the same as legal research?

A memorandum is usually the written product that organises legal research into a structured, analytical document; the research is the underlying process, the memorandum is often its output.

Conclusion

Legal research and legal opinion are two halves of a single professional discipline. Research supplies the evidence; opinion supplies the judgment. A lawyer who blurs the distinction risks either under-researched advice or over-cautious analysis that never resolves into something a client can act on. Keeping the two stages distinct — and disciplined — is what makes legal work both trustworthy and usable.