

DEFINITIVE GUIDE

Legal Research Explained: Process, Types & Best Practices

What legal research actually involves — and how professionals verify it before a lawyer ever relies on it

SEO Title: Legal Research Explained: Complete Process, Types & Best Practices (2026)

Meta Description: What legal research actually involves, step by step — primary vs secondary authority, the verification process, common mistakes, and how AI fits in. From OASIS Research Writing.

URL Slug: /insights/legal-research-explained

Reading time: ~14 minutes | Last reviewed: July 2026

QUICK ANSWER

Legal research is the process of identifying, verifying, and synthesising legal authority — statutes, case law, regulations, and secondary commentary — to answer a specific legal question with a defensible, citable basis. Its defining discipline is the hierarchy of authority: primary sources always outweigh secondary sources, and every conclusion must trace back to a source a lawyer could independently verify.

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Every legal argument rests on a chain of authority someone had to trace: a statute, the case law interpreting it, and the facts that make a given precedent apply or not apply. Legal research is that tracing

process, done properly — and the difference between doing it properly and doing it carelessly is often the difference between a memorandum that holds up in front of a partner or a judge, and one that quietly falls apart under the first hard question.

1. What Legal Research Is

Legal research is the systematic process of locating, evaluating, and synthesising legal authority to answer a specific legal question. It differs from general research primarily in its authority structure: legal conclusions are only as strong as the primary sources they cite, and legal readers will test every citation.

2. The Hierarchy of Legal Authority

Authority Type	Examples	Weight
Primary — binding	Constitutions, statutes, regulations, binding precedent from a higher or equal court in the same jurisdiction	Highest — controls the outcome where directly on point
Primary — persuasive	Precedent from other jurisdictions, lower-court decisions, obiter dicta	Persuasive only — can support an argument, cannot control it
Secondary sources	Legal textbooks, law review articles, practitioner commentary, legal encyclopedias	Explanatory — helps interpret primary authority, never substitutes for it

The rule that matters most: a conclusion resting only on secondary commentary, however well-written, is not yet a legal conclusion — it is a starting point for finding the primary authority that actually governs.

3. Types of Legal Research

- Case law research: tracing how courts have interpreted a legal question, and whether a precedent is still good law.
- Statutory interpretation: determining what a specific legislative provision requires, using the text, legislative history, and judicial interpretation.

- Regulatory research: identifying applicable regulations and agency guidance, which change more frequently than statutes.
- Comparative/jurisdictional research: assessing how a question is treated across multiple jurisdictions.
- Due diligence legal research: verifying a counterparty's legal standing, litigation history, or regulatory compliance before a transaction.

4. The Legal Research Process, Step by Step

- 1. Frame the legal question precisely.** A vague question produces an unusable answer; a precise one produces a usable one.
- 2. Identify the governing jurisdiction.** The same question can have different answers across jurisdictions.
- 3. Locate primary authority first.** Before consulting secondary commentary.
- 4. Verify the primary authority is still current.** Check for amendments, repeals, or later cases that have overruled or distinguished it.
- 5. Apply the authority to the specific facts.** Distinguishing the client's facts from the precedent's facts where they diverge.
- 6. Document contrary or unsettled authority explicitly.** Rather than presenting the answer as more settled than it is.
- 7. Have the analysis independently reviewed.** Citation and currency errors are easy to miss in one's own work.

5. Sources and Tools Professionals Actually Use

Professional legal researchers work from official government legislative portals, court judgment databases, and licensed legal research platforms that track amendments and citing references — not general web search, which cannot reliably confirm whether a case is still good law.

6. Legal Citation: Why Precision Matters

Legal citation isn't a formatting preference — it's how a reader locates and verifies the exact authority relied on. An imprecise citation can send a reader to the wrong passage or case entirely, undermining the credibility of the entire document.

7. AI in Legal Research: Uses and Limits

AI tools can accelerate the search phase of legal research. They cannot yet reliably confirm whether a case is still good law, and AI-generated legal citations have a well-documented history of being entirely fabricated. Every AI-surfaced citation must be independently verified against the primary source before it appears in a legal document.

8. Common Mistakes in Legal Research

- Relying on a case without checking whether it has been overruled, distinguished, or superseded.
- Citing secondary commentary as though it were binding authority.

- Applying precedent from the wrong jurisdiction without noting it is persuasive, not binding.
- Accepting an AI-generated citation without independently locating and reading the actual source.
- Omitting contrary authority rather than distinguishing or addressing it.

9. Best Practices

- Always confirm a case is still good law before relying on it.
- Distinguish binding from persuasive authority explicitly in the analysis.
- Verify every AI-assisted citation against the original primary source.
- State the jurisdiction and scope of the question at the top of the document.
- Have a second, independent reviewer check citations before delivery.

10. Worked Example

A client asks whether a non-compete clause is enforceable in a specific jurisdiction. Framing the question precisely narrows it to the applicable statute governing restrictive covenants and the leading cases interpreting "reasonableness" of scope and duration. The research confirms the leading precedent hasn't been overruled, and applies its reasonableness factors to the client's specific clause — noting explicitly where the client's facts diverge from the precedent's facts.

11. Frequently Asked Questions

What's the difference between binding and persuasive authority?

Binding authority must be followed by a court in that jurisdiction; persuasive authority can inform an argument but does not control the outcome.

Can AI replace legal research?

AI can accelerate the search process, but cannot reliably confirm a case's current validity or avoid fabricating citations. Independent verification remains mandatory.

How do I know if a case is still "good law"?

Use citation-checking tools within a licensed legal database, or manually confirm the case has not been overruled, reversed, or superseded by later legislation.

12. Key Takeaways

- Legal research is built on a strict hierarchy: binding primary authority outranks persuasive authority, which outranks secondary commentary.
- Currency checking — confirming a case is still good law — is not optional.
- AI accelerates search but cannot replace independent verification of every citation.

13. Working With OASIS Research Writing

OASIS Research Writing produces legal memoranda, case law research, and regulatory analysis for law firms and in-house teams, with every citation independently verified before delivery.

START A CONFIDENTIAL CONSULTATION

Internal Linking Recommendations

- /insights/what-is-research-writing — foundational companion piece
- /insights/case-law-research — deep-dive on precedent tracing
- /insights/legal-citation-styles — citation-format deep-dive
- /insights/ai-for-legal-research — AI-specific deep-dive
- /research-writing — primary service page
- /about — firm background

External Reference Recommendations

- Official government legislative/gazette portals for the reader's jurisdiction
- Court e-filing or judgment-database portals (jurisdiction-specific)
- Law school legal-research guides (e.g., citation-checking guides)

JSON-LD Schema Recommendations

Article Schema

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{
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  "author": { "@type": "Organization", "name": "OASIS Research Writing" },
  "publisher": { "@type": "Organization", "name": "OASIS Research Writing" },
  "datePublished": "2026-07-21",
  "mainEntityOfPage": "[CANONICAL URL]/insights/legal-research-explained"
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FAQPage Schema

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      "acceptedAnswer": { "@type": "Answer", "text": "AI can accelerate search, but cannot reliably confirm case validity or avoid fabricated citations." } }
  ]
}
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SEO / GEO Checklist

Primary keyword: legal research explained

Secondary keywords: legal research process, types of legal research, legal research methodology

Long-tail keywords: how does legal research work step by step, how to know if a case is still good law, can AI do legal research

Search intent: Informational, with commercial intent for readers evaluating legal-research providers.

Suggested anchor texts: "the legal research process explained," "hierarchy of legal authority."

Featured image: Editorial graphic of a legal document with a citation trail highlighted, navy/gold palette.

Social description: "What legal research actually involves — the hierarchy of authority, the verification process, and where AI genuinely helps (and where it doesn't)."

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