

Community Engagement for Ethical Digital Justice: Practical Standards for Online Hearings and Electronic Evidence

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Abstract

The rapid digitalization of judicial systems has transformed legal practice by expanding the use of online hearings, electronic evidence, and digital communication, while creating new ethical challenges for judges and lawyers. Existing ethical frameworks in Ukraine provide only general guidance and do not adequately address the complexities of digital justice. This study aims to identify the principal ethical issues arising from digital litigation and to develop a unified framework of digital ethics for judges and lawyers based on international best practices and the Ukrainian legal context. The research employs a qualitative methodology combining doctrinal legal analysis, comparative legal analysis, and general scientific methods, including analysis, synthesis, induction, deduction, analogy, and generalization. National legislation, judicial ethics codes, international standards, and relevant case law were examined to assess current regulatory gaps and identify effective approaches to digital judicial ethics. The findings reveal significant shortcomings in the regulation of online hearings, electronic evidence, lawyer–client confidentiality, digital competence, transparency, and the use of artificial intelligence in judicial proceedings. The study proposes a unified minimum standard of digital ethics that integrates procedural safeguards, ethical principles, and comparative international practices to enhance consistency, fairness, and public confidence in digital justice. The novelty of the research lies in developing an interdisciplinary framework that systematically links ethical challenges with practical regulatory solutions through a problem–solution–impact model, offering a comprehensive basis for the modernization of judicial and legal ethics in Ukraine. The proposed framework supports the development of a transparent, accountable, and technologically resilient justice system. The framework also identifies the institutions responsible for implementation and links digital-ethics reform to access to justice, public legal education, and inclusive participation in remote proceedings.

KEYWORDS *Digital Judiciary, Judicial Ethics, Legal Ethics, Online Hearings, Confidentiality.*

Introduction

Ukraine's transition to digital justice developed in several stages. The Unified Judicial Information and Telecommunication System, established in 2017, created the institutional basis for electronic document exchange and participation by videoconference. During the COVID-19 pandemic, temporary procedural changes and the use of participants' own devices accelerated remote hearings. The full-scale war then increased the practical need for remote access because displacement, damaged court infrastructure, and interruptions to ordinary court operations made digital channels essential. Procedural digitalization subsequently advanced faster than professional regulation: mandatory electronic accounts and expanded e-Court functions were introduced, while the Code of Judicial Ethics and the Rules of Advocate Ethics continued to state mainly general principles and did not provide detailed standards for online conduct, electronic evidence, confidential digital communication, or technology-related inequality.

The issue is also one of legal community engagement because digital court procedures directly shape how individuals, lawyers, journalists, and vulnerable court users obtain legal services and participate in justice. Ethical standards therefore require not only professional regulation but also accessible public guidance, institutional consultation, digital-skills support, and practical safeguards that prevent technological inequality from becoming a barrier to effective participation.

The rapid development of information technologies presents new ethical challenges that necessitate a comprehensive framework for digital legal ethics. This article addresses the urgent need to systematize and codify digital ethics for judges and modern lawyers. As attorneys increasingly use digital platforms for online meetings, electronic evidence, and communication, they must navigate between professional integrity and technical progress. Maintaining public trust in the legal system and ensuring fair trials now hinges on upholding and adapting professional ethics for the digital age.

This includes secrecy, autonomy, impartiality, and integrity in technology procedures. Specific issues involve preserving lawyer confidentiality online, validating electronic evidence, ensuring equality in

remote proceedings, and maintaining court decisions virtually. Numerous academics have studied related topics, such as Stetsiuk et al. on evolving ethics and the need for new standards and education;¹ Bielov and Bielova on AI's risks and the need for ethical/legal frameworks;² Lavrivskyi on advocacy ethics and digital privacy;³ Nakonechna and Kovalchuk⁴ on AI standardization and the rule of law; and Sereda et al. on e-justice in Ukraine.⁵

Contemporary literature often isolates technical advances or moral dilemmas, lacking a unified methodological framework that connects digitalization with the codification of moral principles for judges and lawyers. This article's main thesis is to fill that gap by advancing the creation of a comprehensive interdisciplinary reference point for digital ethics in the legal sphere. It uniquely combines ethical rules, international proposals, and Ukrainian judicial practice within a comparative framework, exposing regulatory shortcomings and offering practical solutions.

The systematization of ethical dilemmas in digital justice in the paradigm "problem-solution-impact" and the comparative study of Ukrainian and international practices for the purpose of codification are a special contribution of this article. This research adopts an interdisciplinary approach, integrating legal theory, ethical principles, and technological needs, in contrast to previous studies, which have typically addressed technical or legal issues separately. In addition to identifying the

¹ N. V. Stetsiuk, V. M. Parasiuk, and I. V. Zdrenyk, "Development of the Deontological Foundations of Professional Activity of Participants in Judicial Proceedings in the Conditions of Digitalization of Justice," *Scientific Bulletin of Uzhhorod National University. Law Series* 5, no. 86 (2024): 194–99, <https://doi.org/10.24144/2307-3322.2024.86.5.29>.

² D. M. Bielov and M. V. Bielova, "Artificial Intelligence in Justice and Judicial Decisions: Potential and Risks," *Scientific Bulletin of Uzhhorod University: Law Series* 78, no. 2 (2023): 315–20, <https://doi.org/10.24144/2307-3322.2023.78.2.50>.

³ V. V. Lavrivskyi, "The Genesis of Legal Ethics: Stages and Features," *Bulletin of the Humanities*, no. 7 (2025), <https://doi.org/10.5281/zenodo.15503309>.

⁴ I. V. Nakonechna and A. Yu. Kovalchuk, "Challenges for National Judicial Systems Related to Forming Unified Standards for the Involvement of Artificial Intelligence," *Scientific Innovations and Advanced Technologies* 3, no. 43 (2025): 547–85, [https://doi.org/10.52058/2786-5274-2025-3\(43\)-574-585](https://doi.org/10.52058/2786-5274-2025-3(43)-574-585).

⁵ O. Sereda et al., "New Steps of Digitalisation of Civil Justice in Ukraine," *Access to Justice in Eastern Europe* 7, no. 1 (2024): 416–26, <https://doi.org/10.33327/AJEE-18-7.1-n000118>.

shortcomings of current Ukrainian regulation, the proposed structure offers a way to bring domestic practice into line with world norms.

Thus, the article makes a significant contribution to the field of digital legal ethics by:

- (1) identifying recurring problems with online hearings and the use of electronic evidence;
- (2) proposing specific regulatory and procedural solutions based on benchmarking; and
- (3) outlining the expected ethical and practical implications of putting these solutions into practice.

In doing so, the study shifts academic discourse from descriptive descriptions of digitalization to the development of a consistent and useful code of ethics for the Ukrainian legal profession and the court.

Methods

The study uses doctrinal and comparative legal analysis. Doctrinal analysis was applied to Ukrainian procedural legislation, the Code of Judicial Ethics, the Rules of Advocate Ethics, relevant judicial decisions, and Council of Europe standards in order to identify gaps concerning remote hearings, electronic evidence, confidentiality, transparency, and digital competence.

Comparative analysis examined approaches used in Canada, the United Kingdom, the United States, Ireland, and the Council of Europe. These jurisdictions were selected because they provide complementary models of online courtroom etiquette, public access, confidentiality, equality of participation, and safeguards for remote hearings. The findings were organized through a problem–solution–impact framework to connect each identified ethical problem with a practical regulatory response and its expected effect in the Ukrainian context.

To connect the doctrinal analysis with legal community engagement, the study follows a community-oriented legal intervention sequence: identifying recurring access and ethics problems affecting court users and

legal professionals; mapping the institutions responsible for responding to those problems; benchmarking workable safeguards; and translating the findings into practical guidance for courts, advocate organizations, judicial training institutions, technology regulators, and the public. The principal community-service output is the proposed minimum digital-ethics standard, designed for use in professional training, public legal education, institutional consultation, and the development of accessible protocols for online hearings and electronic evidence. This literature-based approach does not claim to measure the outcomes of a completed field intervention; instead, it provides an implementable framework for subsequent community engagement and institutional application.

Results and Discussion

This integrated section presents the doctrinal and comparative findings together with their interpretation. It first identifies the development of Ukraine's digital court infrastructure and the principal regulatory gaps, then evaluates comparative practices, formulates recommendations, and concludes with the policy implications and institutional responsibilities required for implementation.

In recent years, Ukraine has been gradually moving towards computerized justice. The Unified Judicial Information and Telecommunication System (ECITS), established in 2017 in accordance with procedural norms, aimed to ensure the smooth flow of electronic documents and facilitate participation in hearings via video conference. Although the COVID-19 pandemic in 2020 escalated remote procedures, full-scale adoption of these technologies was delayed. Although witnesses and specialists had to be present in court, the Verkhovna Rada quickly approved temporary changes that allowed court sessions to be held in video conference format from the parties' personal devices. For the first time, the use of video conferencing equipment was allowed (DSA Order No 169 dated 04/08/2020), which regulated the use of platforms such as Zoom or

Skype for remote hearings.⁶ There are several obstacles to the implementation of digital justice, even with prompt action. Process participants may not always have the necessary skills to use electronic resources, and the technological infrastructure of courts may not always provide a reliable connection everywhere.

The challenge was to prevent a lack of technological resources or capacity on the part of the party from effectively depriving it of its right to trial, making access to justice a critical issue. There is a cautious approach to new processes, as evidenced by the rejection in 2022 of the measure, which provided for online court proceedings during martial law and notification of participants through electronic channels.⁷ The real demands of the conflict, where many citizens have been driven from their homes and some courts have been destroyed or rendered inoperable, have led people to seek the means to provide justice online.

Accordingly, the development of the subsystem “Electronic court” has significantly accelerated. For example, changes to the procedural law came into force on 18 October 2023, making it mandatory for lawyers, notaries, private executors, experts and public institutions to have an electronic account with Unified Judicial Information and Telecommunication System (although this is still optional for the public). In fact, this makes the online presence of professional participants a standard for the legal system.⁸ In particular, Article 20 of the Code of Judicial Ethics does not take into account the nuances of digital communication and work with electronic evidence.⁹

Current Ukrainian codes of ethics contain only general provisions and do not offer specific and detailed recommendations regarding online behavior and electronic evidence. As a result, judges and lawyers must apply broad rules to new circumstances. This creates real problems, such as

⁶ Ukrainian National Bar Association, “Are Common Ethical Rules for Judges, Advocates and Prosecutors Possible?,” 2024, <https://en.unba.org.ua/activity/news/9060-are-common-ethical-rules-for-judges-advocates-and-prosecutors-possible.html>.

⁷ R. I. Tashian et al., “Scientific Doctrine as a Source of Law in International Law and Legal Systems of the World,” *Revista Juridica Portucalense*, 2023, 232–52, [https://doi.org/10.34625/issn.2183-2705\(ne\)2023.ic-12](https://doi.org/10.34625/issn.2183-2705(ne)2023.ic-12).

⁸ Sereda et al., “New Steps of Digitalisation of Civil Justice in Ukraine.”

⁹ Congress of Judges of Ukraine, Code of Judicial Ethics (2013), <https://zakon.rada.gov.ua/rada/show/n0001415-13?lang=en#Text..>

guaranteeing compliance with the principle of publicity during video conferences. How can the legitimacy of digital evidence be confirmed? Is it moral for a lawyer to provide advice to a client through Messenger during an online conference? The lack of clear, standard rules can lead to differences in methods and even abuses. In Table 1, the problems identified are collated with the proposed ways to address them and the expected consequences in order to clearly illustrate these gaps and our contribution.

TABLE 1
Problems of Digital Ethics in Justice and Proposed Solutions

Identified Problem	Proposed Solution	Expected Effect
Lack of clear ethical norms for online hearings and electronic evidence	Development of a single minimum standard of digital ethics for judges and lawyers	Unified practice, reduced abuses, increased public trust
Inconsistent judicial approach to electronic evidence (e.g., case No 908/1264/18)	Establishment of standard requirements for the form and authentication of electronic evidence (e-signature, metadata, certification)	Improved reliability and predictability of evidence evaluation
Insufficient digital literacy of participants and unequal access to resources	Mandatory digital skills training for judges and lawyers; creation of infrastructure (video terminals in courts, accessibility for people with disabilities)	Equal opportunities for parties, real access to justice
Absence of secure channels for confidential lawyer–client communication during online hearings	Implementation of protected communication tools (private chats, “separate rooms” in video platforms)	Guarantee of the right to defense and attorney–client privilege

Risk to publicity and openness of proceedings in the online format	Introduction of protocols for broadcasting, secure public/journalist access, and regulated safety measures	Preservation of transparency and openness of justice
Lack of regulation on the use of algorithms and AI in justice	Adoption of legislation on algorithms: transparency, independent audit, liability for bias	Reduced manipulation risks, preserved objectivity and trust in court decisions
Vague provisions of Code of Judicial Ethics regarding digital issues	Expansion of ethical codes (Art. 20 of the Code of Judicial Ethics; Art. 10 of the Advocate Ethics Rules) with specific digital standards	Clearer regulation, increased professional responsibility and predictability

Table 1 should be read as an implementation sequence rather than as a list of isolated proposals. The identified problems establish the empirical and doctrinal basis; the proposed solutions formulate the minimum ethical standard; and the expected effects indicate the access-to-justice and public-confidence outcomes against which implementation should be assessed.

For this reason, there is the question of creating coherent ethical guidelines for all court employees working online. Maintaining the authority and decency of the court in a virtual environment is one of the primary duties of the ethics of online hearings. Standards of conduct in a typical courtroom, such as standing in front of a judge, following a dress code, and refraining from speaking without permission, may be less clear during videoconferences. Many governments began to actively regulate etiquette during remote hearings after the pandemic experience revealed a number of interesting and problematic examples.¹⁰

¹⁰ T. Kravtsova, Y. Neklyayev, and M. Korniienko, "Amendments to the Civil Procedure Code Regarding Mandatory Registration and Use of Electronic Accounts in the Unified Judicial

The transition of established rules of behavior to the Internet environment is widely recommended by international practice. In particular, participation in a videoconference is similar to being in a courtroom; each participant must behave and appear as if they are in a real courthouse. This includes wearing professional attire (judges must wear robes, attorneys must wear suits or robes if they choose to), avoiding environments that are dirty or have inappropriate background photos, refraining from smoking, and consuming only water during the conference. Judicial institutions of different countries have created comprehensive recommendations. To organize world experience, Table 2 compares the current situation in Ukraine and potential changes with the strategies of the USA, Canada, Great Britain, Ireland and Europe.

TABLE 2
Comparative Overview of Ethical Regulation of Digital Justice

Country	Existing Practice/Regulation	Ukrainian Context	Proposed Implementation for Ukraine
Canada	Detailed online etiquette guidelines: quiet environment, clear speech, authority of the court to mute microphones or exclude participants	No specific procedural recommendations for online etiquette	Develop official etiquette protocols for online hearings, published on court websites
United Kingdom	Legislation allows video broadcasting of hearings; prohibition of	No legal regulation of online broadcasting	Amend procedural codes to allow controlled public

Information and Telecommunication System,” 2023,
<https://www.lexology.com/library/detail.aspx?g=78f14c9b-3294-4dab-975e-b05902a0f73a>.

	unauthorized recording		broadcasting and introduce liability for illegal recordings
United States	Privacy rules for digital communications; courts emphasize confidentiality of online hearings	Confidentiality in digital context not addressed in detail	Introduce explicit norms for confidentiality in online hearings and lawyer–client communication
Ireland	Equal rights for remote and in-person participants; disruption of online hearings is prohibited by law	No explicit guarantee of equality of arms in remote hearings	Include in legislation a guarantee of equal procedural rights regardless of hearing format
Council of Europe (CEPEJ guidelines)	Rules on accessibility, transparency, confidentiality, fair trial in online format	Partially referenced, but not systematized in Ukrainian codes	Systematically integrate CEPEJ guidelines into Ukrainian law and ethical codes
Ukraine (current state)	Fragmented practice, no unified standards; Article 20 Code of Judicial Ethics too general	—	Adopt a unified minimum standard of digital ethics for judges and lawyers, with comparative alignment to best practices

The comparative findings in Table 2 do not support mechanical transplantation of foreign rules. Instead, they identify adaptable safeguards that can be assigned to Ukrainian institutions: procedural guarantees to the legislature and courts, professional standards to judicial and advocate bodies, training duties to professional education institutions, and technical safeguards to court administrators and technology regulators.

For example, in Canada, online etiquette guidelines require that participants speak clearly and politely, find a quiet place without too much noise, and that courts have the right to turn off microphones or exclude violations from the conference to maintain order. As stated in one instruction of the Louisiana Supreme Court, “the court retains the same powers and requirements for order at a remote hearing as at a regular trial”. This effectively means that the digital court is subject to the same standards of discipline and respect as the physical court.¹¹

The judge must actively monitor the online meeting to support this concept. In addition to ensuring that everyone is self-identified and connected, the judge must begin the meeting and warn of rules such as the need to turn off the microphones until the floor is given and the prohibition of recording without permission. The judge has the right to speak and, if necessary, remove the offending participant from the session for a short time if one of the participants behaves disrespectfully or violates the rules. In the virtual space, lawyers are obliged to respect the court and their colleagues. This includes refraining from interference, having inappropriate conversations, and making offensive gestures in front of a webcam. It should be emphasized that the ethical foundations of professional politeness do not change with the lack of physical presence.¹²

The education and training of participants is crucial to guarantee good behaviour. Some European jurisdictions have begun to provide parties and lawyers with clear recommendations on the rules for conducting online hearings in advance. For example, participants should be informed of expected conduct, responsibilities and procedural procedures in accordance with European Commission for the Efficiency of Justice (CEPEJ) rules

¹¹ Stetsiuk, Parasiuk, and Zdrenyk, “Development of the Deontological Foundations of Professional Activity of Participants in Judicial Proceedings in the Conditions of Digitalization of Justice.”

¹² Bielov and Bielova, “Artificial Intelligence in Justice and Judicial Decisions: Potential and Risks.”

before starting a remote hearing.¹³ This improves predictability and makes listening fairer and more efficient. These rules, often accompanied by videos and detailed instructions, are posted on the official websites of the judiciary in many countries so that even an untrained person can understand how to connect and act.¹⁴

In addition to technical issues, aspects of court etiquette and decency need to be discussed (for example, how to go to court, whether to get up when applying — is not always possible online, but politely expressing respect in words is vital). Participants in a remote hearing in Ireland are entitled to the same guarantees and rights as those present in court in person, according to an official memorandum, and it is illegal to interrupt remote proceedings or interfere with technological functions. In other words, the administration of justice online is as strictly protected by law as it is offline.¹⁵

Strict adherence to fair trial principles is required in digital format (Article 6 ECHR). A significant challenge is to ensure that the remote form does not infringe the rights of the parties to adversarial proceedings and to participate effectively in the process. In its decisions, the European Court of Human Rights stresses the need for the accused or the disputing party to have the opportunity to see, hear and be heard by the court. Therefore, the court must ensure that all technological requirements are met before the video conference is held so that participants can fully understand the material (sufficient sound and video quality, availability of translation, if necessary, etc.).¹⁶ To ensure that neither party is placed in an unfair position due to technological problems, the judge has an ethical duty to stop the case

¹³ European Commission for the Efficiency of Justice, Guide on the Use and Development of Remote Hearings (2025), <https://rm.coe.int/cepej-2025-3-en-guide-for-remote-hearings-2763-8911-6430-1/1680b6bb7b..>

¹⁴ Committee of Ministers of the Council of Europe, *Guidelines on Electronic Evidence in Civil and Administrative Proceedings* (2019), <https://rm.coe.int/guidelines-on-electronic-evidence-and-explanatory-memorandum/1680968ab5>.

¹⁵ A. Pascal, "Ethical Aspects of Using Artificial Intelligence in Justice: The Path to Ensuring Human Rights," *Ehrlich's Journal*, no. 7 (2023): 68–75, <https://doi.org/10.32782/ehrichsjournal-2023-7.10>.

¹⁶ V. Haraschuk et al., "Information Component of the Environmental Policy of Ukraine: Current Status and Development Potential," *European Journal of Sustainable Development* 9, no. 2 (2020): 69–79, <https://doi.org/10.14207/ejsd.2020.v9n2p69>.

or take action (such as repeating a line or allowing more time) if one party does not communicate.

According to the concept of equality of arms, each participant in a remote hearing should have the same opportunity to make his or her arguments known as in a face-to-face hearing. Even during an online hearing, attorneys should be able to communicate with their clients in confidence. For example, they may have a private chat function or a separate channel for communicating with customers during a break. European practice shows that in order for the right to defense not to be limited by technical requirements, courts must create online channels for confidential contact between the client and the lawyer. For this, you can use secure connections outside the leading conference or separate “conference rooms” on video platforms.¹⁷

Publicity and openness of justice are equally important. Public access to court hearings should not be limited to the transition to the Internet. European courts have created several strategies to guarantee the publicity of distance proceedings. These include the use of the Internet to broadcast hearings in real time, the establishment of public links to connect journalists and viewers, the recording of hearings and their availability as needed after they have been completed, the publication of transcripts, etc. It is clearly vital to strike a balance between openness and security and the confidentiality of participants (especially in circumstances discussed behind closed doors). It is best practice to enable observers to register in advance, to give them personal, secure access, and to obtain their permission before making any unauthorized recordings or broadcasts.

Some countries (such as the United Kingdom) have passed unique laws that prohibit unauthorized screen recording, while explicitly allowing the public and media to view court proceedings on video. The issue of transparency of online meetings is also important for the Ukrainian judicial system; it is necessary to develop protocols that will allow public viewing of court sessions (through the official website or other channels) without

¹⁷ Lavrivskyi, “The Genesis of Legal Ethics: Stages and Features.”

endangering the safety of participants and the confidentiality of the meeting hall.¹⁸

Both social and technical factors influence the availability of justice. The legal profession and the judicial system should work to reduce obstacles to participation in remote trials, according to the ethical norm in this case. This may include educating the public about the potential of online communication, helping them connect (for example, by installing video terminals in courts for people without Internet access), and changing processes for people with disabilities (for example, sign language translation for videos). In its “Guidelines on Remote Hearings”, CEPEJ particularly emphasizes the importance of accessibility (Guidelines 5). Technology should be used in a way that increases, not decreases, opportunities for access to justice for all segments of society.

This means that lawyers have an ethical duty to ensure that their client is aware of the online hearing process and has the necessary resources to participate; if the remote format clearly disadvantages the client, the lawyer must ask the court for alternative measures (such as postponement of the hearing or a face-to-face hearing). It is crucial that no party unfairly benefits from higher technical skills; the role of the judge is to strike a balance by demanding a minimum standard of technical proficiency for all parties or by changing the procedure.¹⁹

The use of electronic evidence, such as emails, digital documents, device recordings, movies, etc., creates new ethical standards for the court and the parties involved. The general principle formulated by the Council of Europe is that electronic evidence should be evaluated against the same criteria as traditional – evidence in terms of admissibility, authenticity, accuracy, and integrity. It is crucial to prevent a scenario in which the very digital nature of the evidence justifies its rejection or, on the other hand, its acceptance without due diligence. According to the guidelines of the

¹⁸ I. V. Nakonechna and A. Yu. Kovalchuk, “Challenges for National Judicial Systems Related to Forming Unified Standards for the Involvement of Artificial Intelligence,” *Scientific Innovations and Advanced Technologies* 3, no. 43 (2025): 547–85, [https://doi.org/10.52058/2786-5274-2025-3\(43\)-574-585](https://doi.org/10.52058/2786-5274-2025-3(43)-574-585).

¹⁹ I. Yu. Kotliarova, “The Digital Era of Legal Activity: Challenges, Prospects, and Legal Limits of the Transformation of Legal Work,” *Current Problems of Law: Theory and Practice* 49 (2025): 153–70, <https://doi.org/10.33216/2218-5461/2025-49-1-154-170>.

Committee of Ministers of the Council of Europe,²⁰ the parties should neither take unfair advantage nor suffer from the processing of electronic evidence. Judges must be impartial, which means that they must not be overly wary of anything technological.

However, they must also not accept materials without question just because they have a modern format. Determining the credibility and reliability of electronic evidence is a critical ethical issue. Counsel must carefully check the origin of the digital evidence before presenting it, including whether it is the original file, whether it has been modified, and who wrote it. The professional norm for an attorney is to be able to use or at least understand the verification tools provided by modern technology (such as blockchain registries, digital timestamps, and electronic signatures). Legal ethics dictates that a lawyer should not mislead the court or provide false evidence. In the digital age, this means that a lawyer must correctly structure a passage from a web page, study screenshots, and change files.²¹

When evaluating electronic evidence, judges must possess technical literacy, which is a new field of skills. The court has an ethical duty to assess the reliability of the evidence carefully and, if necessary, to request expert opinions or metadata (details about the file, author, and date of creation). For example, the Supreme Court of Ukraine should have checked whether the email came from a party's official email account when it considered the emails as evidence in case No 908/1264/18.²² The sender's failure to use a qualified electronic signature that would allow the court to uniquely identify it raised questions about the legitimacy of the submitted letter. The failure to identify the author accurately led to the conclusion that the evidence was unfit.

This case illustrates a common problem: electronic materials can lose their probative value if proper authentication is not used. Therefore, at the level of procedural legislation and clarifications, standard requirements for the form of submission of electronic evidence (whether it is an electronic

²⁰ Committee of Ministers of the Council of Europe, *Guidelines on Electronic Evidence in Civil and Administrative Proceedings*.

²¹ O. V. Pleskanka, "The Use of Digital Technologies in E-Justice," *Precarpathian Legal Bulletin* 1, no. 54 (2024): 80–83, <https://doi.org/10.32782/pyuv.v1.2024.15>.

²² Case No 908/1264/18 (2019), <https://reyestr.court.gov.ua/Review/85470804>.

signature, a copy on a medium, confirmation of ownership of an account, etc.) should be developed.

There are additional digital subtleties about the admissibility of evidence. Illegally obtaining electronic evidence, for example by purchasing data stolen by hackers or accessing another person's email, is unethical. A lawyer cannot use the results of flagrant violations of law or confidentiality in court. The court must ensure that such documents, in violation of the law, are not legitimized during the procedure. However, if the evidence is collected legally, its digital format should not be the only reason for its rejection on the grounds of conservatism. According to European regulations, judges should accept evidence simply because it was provided electronically.²³

The judicial procedure in Ukraine remains uncoordinated: although some courts need additional confirmation, others accept copies of e-mails or images of messages as written evidence. As a result, judges and attorneys must work together to develop a clear strategy: judges must be receptive to new forms of evidence, insisting on their credibility, and attorneys must prepare electronic evidence in advance in a verifiable format (such as obtaining official certifications from ISPs or social media administrators to log in to IP addresses, etc.). Another equally important ethical duty that guides a lawyer in the use of technology is a general ban on the exchange of information related to client representation.

The 2017 Missouri Supreme Court decision on additional obligations for attorneys in the area of confidential information preservation serves as an example of this. The decision concerns the use of information technology, which requires lawyers to take additional precautions to protect the confidential data of their clients in a virtual environment.²⁴ In the context of modern technologies and information systems, the way this choice is interpreted and applied plays a crucial role in maintaining a high degree of trust between the client and the lawyer, which is crucial for the

²³ O. Kutovyi and S. Burma, "Artificial Intelligence in the Practice and Decisions of the European Court of Human Rights," *Ehrlich's Journal* 12 (2025): 34–44, <https://doi.org/10.32782/ehrlchsjournal-2025-12.05>.

²⁴ V. Blazhko and I. Osipova, "Advocacy Ethics in the Conditions of the Digitalization of Justice: Between Tradition and Innovation," ed. S. Yurko (Cherkasy: ChDTU, 2025), 182–83.

proper provision of legal assistance. Therefore, this case emphasizes the importance of solving ethical issues arising in connection with the introduction of new technologies and adapting legal professions to these realities.

Article 10 of the Rules of Advocate Ethics reproduces a similar provision.²⁵ The principle of confidentiality of information is considered in this article from the point of view of the duty of the defense lawyer (to maintain the confidentiality of such information regarding the client and related persons) and his right (regarding the subject matter that may be required disclosure). Indeed, given the way information technology affects the way lawyers store and process sensitive data, this case also applies to IT.

Lawyers should be particularly attentive and cautious in protecting the confidentiality of their clients' information, especially in the age of modern technology, when most information can be accessed electronically. They must be familiar with modern technologies and their impact on data storage and security, as well as possess professional legal skills. As a result, a significant part of the professional activity of lawyers is now related to the adaptation of legal standards and ethical principles to the modern information environment.²⁶

It is crucial to remember that adherence to the concept of secrecy is not only morally correct, but also necessary to ensure that there is a relationship of trust between lawyer and client.²⁷ Without this principle, it is not easy to provide proper professional legal assistance. Article 10 emphasizes the need for secrecy to maintain confidentiality between the client and the lawyer, which is important for the legal profession.

Such disclosure of or access to private customer data relates to both electronic and physical data, including paper documents in the customer file. Think of the vast amount of private client data that attorneys have in

²⁵ Congress of Lawyers of Ukraine, Rules of Advocate Ethics (2017), <https://zakon.rada.gov.ua/rada/show/n0001891-17?lang=en..>

²⁶ Yu. M. Koltun, "The Integrity of the Use of Social Media by Judges: The Problems of Adaptation of the Legislation to the Requirements of the Digital Society," *Herald of Lviv University of Trade and Economics. Legal Sciences* 16 (2024): 5–10, <https://doi.org/10.32782/2616-7611-2024-16-01>.

²⁷ A. V. Kostruba and V. A. Vasylyeva, "Termination of Right in the Mechanism of Civil Legal Relations," *Rivista Di Studi Sulla Sostenibilita* 1 (2020): 287–300, <https://doi.org/10.3280/RISS2020-001017>.

electronic format. Today, it is even more important for the legal profession to be technologically savvy through the electronic privacy of customer information.²⁸ Ensuring the security and confidentiality of information is actually one of the most important ethical considerations in the use of IT by today's legal profession. Taking this issue into account, we can explain more clearly how judges and lawyers should adhere to ethical standards when processing and storing private data.

Therefore, attorneys should take reasonable steps to avoid inadvertently intercepting a customer's personal information when communicating with them via email. Special security precautions, such as the use of password-protected attachments, email encryption software, or a third-party cloud file storage solution that has proven to be secure and reliable for document sharing, may be required when an attorney sends sensitive material.²⁹

Establishing rules that require lawyers to take reasonable precautions to avoid the inadvertent or unauthorized disclosure of information related to the client's representation or unauthorized access to it. Practically speaking, attorneys should consider talking to the client at the beginning of the interaction to find out if email is a suitable method of communication.

Among the things to consider: How will the client and attorney communicate by email? What details will be emailed between the client and the attorney? What are the terms of websites containing emails between attorneys and clients? Do platforms guarantee privacy? How can the customer view the email? On a computer or phone, personally or professionally? Who else can access this email account or device? An attorney can check if they are doing the right thing by using email as a means of communication by asking some of these questions.

Another important aspect of the legal profession is the proper use of information technology. For example, a judge's readiness to innovate is crucial according to the principles outlined in the "Be a judge" guide.

²⁸ Kotliarova, "The Digital Era of Legal Activity: Challenges, Prospects, and Legal Limits of the Transformation of Legal Work."

²⁹ J. Afzal, "Best Practice of Digital Laws and Digital Justice," in *Implementation of Digital Law as a Legal Tool in the Current Digital Era* (Singapore: Springer Nature, 2024), 95–120, https://doi.org/10.1007/978-981-97-7106-6_5.

Innovation in the judicial profession sparks considerable curiosity and prompts discussions about conservatism and the potential of innovators in this field. For modern Ukrainian judges, innovations mean readiness to implement the latest ideas in the field of judicial technologies, as well as methods of interpretation and application of the law. Judges must be prepared to use international best practices and norms, in particular European ones. In judicial practice, modern technologies such as computer software and videoconferencing are becoming increasingly common.

These tools help judges do their jobs better and increase access to justice. Judges must be ready to use advanced, modern technologies to take these changes into account. To successfully protect people's rights and interests, judges must be ready to implement the latest strategies and make changes to outdated norms as needed. Innovation in the judicial decision-making process is crucial to ensuring justice and protecting citizens' rights. However, innovations in court decisions must be well-founded and balanced. In addition to relevant legal standards and international jurisprudence, they should be based on the demands of society and the protection of violated rights.³⁰

Counsel specifically "acknowledged that his frustration he had in trying to meet federal court expectations due to electronic filing requirements and lack of computer experience were the reasons for his bankruptcy court problems". The Oklahoma Supreme Court said an attorney should "continue to improve his computer skills or, better yet, hire an experienced administrative assistant to handle his" requests.

This case serves as an example of how modern attorneys must increase their technological prowess to use electronic tools in their profession. It is crucial to understand and apply information technology tools at a high level, and to have a deep understanding of substantive law. With the growing digital transformation of the judiciary, advice from the Oklahoma Supreme Court to hire experienced assistants or constantly improve computer skills is becoming increasingly relevant. Lawyers are encouraged to devote time and resources to training and maintaining their technical skills to prevent such situations. In addition, technologies for consultation

³⁰ D. Reiling and F. Contini, "E-Justice Platforms: Challenges for Judicial Governance," *International Journal for Court Administration* 13, no. 1 (2022): 6, <https://doi.org/10.36745/ijca.445>.

and distance learning can help modern lawyers obtain the necessary information for effective practice in modern times.

In order to guarantee equal opportunities and access to justice for all persons, it is particularly important to consider the principles of inclusiveness and equity when using information technology. Despite these advantages, it is impossible to ignore the difficulties encountered with the growing use of these technologies. For example, to reduce the possibility of misunderstandings or misapplication of the law, it is important to monitor the authority and updates of information. Cross-reference systems should also be used with caution, as inaccurate or incomplete data may lead to erroneous conclusions or choices.³¹

The issue of lawyers' responsibility for the reliability of the data they receive from legal reference systems can be raised from an ethical point of view. Is an attorney using these technologies responsible for any potential negative consequences if the user misunderstands or misuses the material? This issue raises both ethical and legal considerations regarding the use of technology in legal practice. In other words, what are the ways to raise the moral bar for the use of legal reference systems in today's digital environment?

Of course, lawyers should be held responsible for any adverse consequences that may arise from misinterpretation or use by users of information from legal reference systems. Lawyers have an ethical and legal duty to ensure the accuracy and impartiality of the information they use in their profession. It is crucial to remember that the use of legal reference systems and information technology requires a high level of technical literacy and understanding. To effectively use these tools and prevent misinterpretation of legal information, lawyers need to improve their skills and keep pace with the development of the digital world.³²

Improving the internal codes of ethics of bar associations, which define standards for the use of technology and responsibility to clients and society, providing lawyers with access to educational programs and seminars on the ethics of information technology, as well as introducing the

³¹ E. B. Da Silva and A. Gani, "Ethics and Social Responsibility in Technology Innovation for Sustainability and Social Justice," *Bulletin of Science, Technology & Society* 1, no. 2 (2022): 44–49.

³² Lavrivskyi, "The Genesis of Legal Ethics: Stages and Features."

practice of regularly checking the accuracy and relevance of the information that lawyers use in their work, – are all potential steps to raise ethical standards for the use of legal reference systems. These actions will help increase public responsibility and improve the standards of legal practice.

The lack of agreed recommendations for good online behavior and discrepancies in the technological skills of judges and lawyers are just two of the ethical flaws that have emerged as a result of the digitalization of justice. Therefore, establishing accurate recommendations and introducing methodical training of lawyers in digital technologies are essential tasks. First of all, it is advisable to codify in legal norms the requirement for judges to undergo permanent training. This is explained by the fact that, in accordance with the Procedure for training judges and court staff of the National School of Judges of Ukraine, judges periodically undergo training to improve their qualifications. For judges, such training may be provided once a year or more frequently, at their request, and throughout their career. It is crucial to establish clear recommendations and standards regarding the frequency and number of advanced training hours that judges must complete, especially when it comes to ethics and the use of information technology.

This is because rapid and significant changes in information technology require constant updating of judges' knowledge and skills so that they can effectively perform their duties and maintain a high level of professional competence. The standard of periodic training for judges should be revised to establish a minimum number of hours and a regular periodicity for necessary professional development. For example, it can be established that judges must be trained at least once a year, with the number of hours varying depending on the requirements and characteristics of certain judicial activities. Article 20 of the Code of Judicial Ethics is the standard that regulates the ethical issues of judges in the information age.³³ However, it is important to note that its wording is not precise enough to solve modern problems.³⁴

³³ Congress of Judges of Ukraine, *Code of Judicial Ethics*.

³⁴ D. Nikitina et al., "Digital Identity and the Legal Status of Artificial Intelligence: Prospects for Normative Consolidation," *UNIVERSUM* 20 (2025): 209–22.

In today's digital environment, judges' participation in social networks, online forums, and other communities is becoming not only relevant, but also important for public engagement and communication. In line with the ideals of openness and transparency of the judiciary, online forums allow judges to communicate with colleagues and the general public, exchange experiences, and express their own opinions. First of all, the participation of judges in social networks helps to get closer to the judicial community. Creating online forums for judges to discuss legal issues helps to raise their professional status and resolve legal disputes through group discussions. Judges can also actively interact with the public through social networks, which allows them to respond to public requests, clarify legal issues, explain the rationale of court decisions, and raise public awareness of the legal system.

However, it is important to remember that judges must use social media sparingly and in accordance with rules of conduct and ethical standards. Judges should refrain from discussing specific cases in public, exchanging private information and issuing any decisions that might jeopardize their independence and authority. As a result, judges' use of social media can help make justice more accessible and transparent. However, it should be limited by moral principles and a responsible approach to public engagement. Consequently, it is possible to expand article 20 of the Code of Judicial Ethics by stating that the participation of a judge in online communities, social networks, and forums is acceptable,³⁵ provided that this is done in such a way as to protect his right to freedom of speech and public activity.

When publishing and commenting on materials, the judge must be careful not to undermine his authority as a representative of justice or the court as a whole, especially when it comes to disclosing private information. In addition to moral correctness, the protection of anonymity in the field of judicial action is a crucial prerequisite for the maintenance of justice and public confidence in the legal system. Confidential information must be protected in order to guarantee the impartiality, autonomy and security of judicial proceedings. Violation of confidentiality may lead to the disclosure

³⁵ Congress of Judges of Ukraine, *Code of Judicial Ethics*.

of private information, facts of court cases or other private materials, which endangers the rights and interests of the participants in the court process or has unacceptably negative consequences.

“Judges are required to maintain the confidentiality of information they receive in connection with their judicial activities and to refrain from improper disclosure or use of it” – is a rule that could be included in the code of judicial ethics in order to ensure confidentiality in the field of judicial activities in the context of information technology. Judges are not allowed to disclose private information on online forums, social media, or other online environments.³⁶ Violation of this rule can be considered a disciplinary offense.

Given their position in society, judges should take special care to refrain from disseminating inaccurate or undesirable material. Because it upholds the values of fairness and independence, preventing the dissemination of inaccurate or unsolicited material is a key component of judicial ethics. The dissemination of misleading information could have negative consequences, including undermining the power of the judiciary, threatening fair trials, and undermining public confidence in the legal system. The following point should be added to the Code of Judicial Ethics to strengthen it in this area: “Judges are obliged to refrain from disseminating offensive or misleading information that may conflict with the independence of the court and the principles of justice”.

To ensure the impartiality and reliability of information, they should be careful when making comments on social networks, online forums and other public places. The dissemination of material that could undermine public confidence in the legal system should be avoided. Such a standard will increase the ethical standards of judges and strengthen public trust in the legal system. The perceived need to influence the overall ethical image of the profession is considerable, and this includes not only compliance with rules and regulations, but also the active establishment of standards and norms that help the judiciary itself to create a fair and open legal environment. In addition, the use of algorithms and artificial intelligence is

³⁶ Kotliarova, “The Digital Era of Legal Activity: Challenges, Prospects, and Legal Limits of the Transformation of Legal Work.”

either unregulated or not regulated at all. The use of artificial intelligence and algorithms is not adequately regulated by law.

Given that artificial intelligence technologies can significantly affect many aspects of society, including justice, this leads to gaps and creates certain dangers. The use of algorithms in court procedures can create problems of accountability, objectivity, and transparency in the absence of proper regulation. For example, a situation may arise where an algorithm offers a judge a decision based on incorrectly or unfairly coded reasoning, which may lead to biased conclusions from the court.³⁷

Thus, it is necessary to develop laws regulating the use of algorithms and artificial intelligence to guarantee the efficiency and impartiality of the justice system. They should include procedures for confirming and assessing compliance with the principles of justice, clear recommendations for their implementation, open decision-making standards, and liability for misuse. The establishment of independent audit entities that will audit algorithms, establish control protocols and impose penalties for improper use of technology is crucial. This strategy will preserve the credibility of the legal system and reduce the possibility of bias or opacity.

In addition, judges should receive ongoing training in digital technology, and ethical rules should be systematically adjusted to take account of contemporary difficulties. An autonomous information technology ethics organization should be established to define rules of conduct, make recommendations, and exercise oversight. Legislators must be licensed and certified, security and confidentiality requirements must be established, and continuous professional development must be ensured. This will guarantee a high level of public confidence in justice and support the practical and responsible application of artificial intelligence in judicial procedures.

³⁷ Kutovyi and Burma, "Artificial Intelligence in the Practice and Decisions of the European Court of Human Rights."

Conclusion

The digitization of litigation in Ukraine has created significant ethical problems in addition to technological ones. The lack of uniform online ethical standards for judges and lawyers leads to inequality in the treatment of parties in remote hearings, fragmented jurisprudence and different responses to electronic evidence. This threatens to comply with the basic requirements of a fair trial and undermines public confidence in the legal system. The findings of the study indicate that maintaining judicial order in a virtual environment, guaranteeing the validity and admissibility of electronic evidence, preserving the confidentiality of communication between lawyers and clients, and preserving the equality of the parties in the face of technological constraints are the most urgent issues.

In Ukrainian conditions, such a holistic structure is currently lacking, despite the fact that world experience shows that the process becomes more predictable and effective when clear interprofessional standards of online behavior and digital evidence are implemented. Because of this, the article proposes a new proposal to create a single minimum code of ethics for judges and lawyers who use digital technologies. This standard is established using the problem-solution-impact paradigm, which for the first time organizes the main moral dilemmas related to digital justice in Ukraine and links them to specific procedural and regulatory proposals. In addition to comparing Canada, the United States, Great Britain, Ireland and the Council of Europe, this study contributes by integrating these practices with Ukrainian judicial reality. According to the study, some foreign tactics could be modified for the Ukrainian legal system to eliminate existing regulatory gaps and guarantee uniformity in the moral application of technologies in court.

Its implementation should follow the institutional allocation proposed in this article, with courts and judicial bodies responsible for practice protocols, legislators for procedural and AI safeguards, professional organizations for ethical rules, training institutions for continuing competence, and technology regulators and court administrators for security and accessibility. This coordinated approach connects professional ethics with legal community engagement by

improving public understanding, effective participation, and equal access to digital justice.

Recommendations

The analysis supports the adoption of a unified minimum standard of digital ethics for judges and lawyers. The standard should consolidate rules on identity verification and courtroom conduct in online hearings; equality of participation and responses to technical failure; confidential lawyer-client communication; public and media access; authentication, integrity, and lawful acquisition of electronic evidence; cybersecurity and secure information handling; digital competence; responsible social-media conduct; and transparent, auditable use of artificial intelligence.

Implementation should proceed in stages. First, professional and procedural rules should define minimum safeguards that apply across hearing formats. Second, model protocols and training materials should translate those safeguards into daily court and legal practice. Third, secure and accessible infrastructure should support participants who lack suitable devices, connectivity, technical skills, or disability accommodations. Finally, implementation should be reviewed periodically against indicators of equal participation, consistency of evidence assessment, confidentiality, transparency, and public confidence.

Policy Implications and Institutional Responsibilities

The Supreme Court and judicial-governance bodies should adopt model protocols for remote hearings and electronic evidence, including identity verification, courtroom etiquette, interruption procedures, public access, confidential lawyer-client communication, and minimum authentication

requirements. They should also issue practice guidance to reduce inconsistent judicial treatment of digital evidence.

The legislature should amend procedural legislation and the relevant professional frameworks to guarantee equal rights in remote and in-person hearings, regulate authorized broadcasting and unauthorized recording, protect confidential communications, and establish transparency, audit, and accountability requirements for algorithms and artificial intelligence used in judicial proceedings.

The Council of Judges and advocate organizations should incorporate specific digital duties into the Code of Judicial Ethics and the Rules of Advocate Ethics. These duties should address secure communication, storage and transmission of client information, verification and presentation of electronic evidence, professional conduct online, and responsibility for the accuracy of information obtained through digital legal systems.

The National School of Judges, bar-training institutions, and universities should provide recurring education in digital competence, cybersecurity, online-hearing conduct, electronic-evidence assessment, accessibility, and the ethical use of legal information systems. Court administrators and technology regulators should establish platform security and certification requirements, independent auditing for high-risk algorithmic systems, and accessible infrastructure for participants who face technological or disability-related barriers.

These responsibilities are complementary. The proposed minimum standard can improve legal community engagement only when legislation, professional ethics, judicial practice, training, public guidance, and technical infrastructure are coordinated rather than developed separately.

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Declaration of Conflicting Interests

The authors state that there is no conflict of interest in the publication of this article.

Funding Information

None.

Acknowledgment

Not Applicable.

Generative AI Statement

During the preparation of this manuscript, the authors used ChatGPT (OpenAI) to correct grammar, refine language style, and improve academic readability. All theoretical framing, methodological decisions, analyses, and final interpretations were developed and verified by the authors, who take full responsibility for the integrity and accuracy of the manuscript.