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Dr Konstantinos Kouroupis,

Frederick University, Assoc.Prof., Depart. of Law, Cyprus.

<https://orcid.org/0000-0003-1193-8224>

George Christofides

Frederick University, Depart. of Law, Special Teaching Staff, Cyprus.

email: law.ck@frederick.ac.cy, law.cg@frederick.ac.cy

**JUDICIAL TRANSFORMATION IN THE AGE OF ARTIFICIAL
INTELLIGENCE:
*A FUNCTIONAL CLASSIFICATION APPROACH TO JUDICIAL
INDEPENDENCE, TRANSPARENCY AND PROFESSIONAL
RESPONSIBILITY***

Abstract: The rapid integration of Artificial Intelligence (AI) into judicial systems and legal practice is reshaping the administration of justice, the legal profession, and the protection of fundamental rights. This paper examines the transformative impact of AI on judicial processes, focusing on the evolving relationship between technological innovation, judicial independence, transparency and professional responsibility. The research aims to develop a functional classification of AI systems used in justice and to assess their legal and institutional implications within contemporary regulatory frameworks.

Following a doctrinal and comparative legal methodology, the paper provides a thorough analysis of European legislation, particularly the EU Artificial Intelligence Act, in combination with international case law, regulatory developments and professional guidelines governing the use of AI in legal practice. Special emphasis is given to judicial and disciplinary decisions involving AI-generated errors, on the basis of cases such as *Mata v. Avianca* and *Ayinde v Haringey LBC*, and to emerging European developments concerning algorithmic case allocation and judicial administration.

The ultimate aim is to demonstrate that the legal risks associated with AI vary according to the function performed by the system. While supportive

and administrative applications may enhance efficiency, decision-making through algorithms raises significant concerns regarding transparency, accountability, due process, judicial independence and fairness. The paper argues that functional classification provides a useful complementary framework to the risk-based approach of the AI Act and facilitates a more nuanced assessment of AI-related risks in the justice sector. It is therefore submitted that appropriate human oversight and digital skills must be adopted in order to achieve a legitimate and effective use of AI in the judicial environment.

Keywords: *Artificial Intelligence, judicial independence, functional classification, EU AI Act, algorithmic case allocation, professional responsibility, legal technology*

INTRODUCTION

Artificial Intelligence plays a leading role in the ongoing scientific evolution and reshapes business strategy and productivity (Andersson et al., 2025). Actually, AI is no longer optional but essential whether an organization is ready or not. According to a recent McKinsey & Company survey, published in 2025, 88% of organizations already use AI in at least one business function. Of those, 31% are scaling their efforts, while seven percent are realizing value from widespread deployment (Singla et al., 2025).

Respectively, the current digital transformation penetrates the legal environment in every level: legal thinking, research, legal language, practicing the law as well as judicial process (Mania, 2022). Artificial intelligence no longer occupies an experimental or secondary position within the legal world; it has become embedded in the daily routines of courts, law firms and regulatory bodies. The above statement does not consist in the replacement of judges and lawyers by machines, but in a structural transformation of the way in which legal work is performed, supervised and reviewed. Thus, a radical reorganization of the justice administration system is required, accompanied by corresponding legislative amendments, continuous professional training for lawyers, judges and the broader legal community, strengthening of the material and technical infrastructure of the courts and, finally, ensuring the security of legal processes. In general, digital transformation which is marked by the massive

invasion of AI, demands not only the use of modern AI tools but, above all, a change of the mindset and working methods of lawyers. This is very important given that, according to a research conducted by the European Company Lawyers Association, while younger lawyers appear more open to technological innovation, a low level of scientific specialization and technological training is observed among older lawyers (European Company Lawyers Association, 2020).

The main issue is that “artificial intelligence in justice” raises fundamentally different questions, laying on several aspects, such as the level of legal expertise, the nature of legal affairs and the quality of legal services and delivery of justice. This paper argues that a functional classification assists the risk-based approach adopted by the European Union’s Artificial Intelligence Act (Regulation (EU) 2024/1689, hereinafter “the AI Act”). The paper is structured in two chapters, each divided into two sections. Chapter One sets out the empirical context of AI adoption in legal practice and develops the functional classification, tracing its theoretical foundations and its relationship to fundamental rights and to the AI Act’s risk categories. On the basis of the analysis implemented though the first Chapter, in Chapter Two, following a critical approach, it is attempted a comparative presentation of international and European case law regarding the impact of AI on the administration of justice. The ultimate goal is to demonstrate how AI can be effective, powerful, and productive for the legal community, without harming fundamental rights and/or compromising the quality of justice.

Chapter One: The Functional Architecture of Artificial Intelligence in Judicial Systems

1.1 The Expanding Footprint of Artificial Intelligence in Legal Practice and the Administration of Justice

Empirical evidence confirms that the adoption of AI by the legal profession has moved well beyond the stage of cautious experimentation. A large-scale survey conducted by Law360 among 506 lawyers in law firms in USA found that 89% of respondents already use AI tools for document drafting, 86% for legal research, 79% for professional correspondence, and 63% for contract review and analysis (Tsotsou, 2026).

The Council of Bars and Law Societies of Europe (CCBE), in cooperation with the European Lawyers Foundation (ELF), developed the AI4Lawyers project with financial support from the European Union's Justice Programme (Council of Bars and Law Societies of Europe, &

European Lawyers Foundation, 2022). The project did not constitute an empirical survey or quantitative study of European lawyers. Instead, it was conceived as a policy-oriented and educational initiative aimed at supporting lawyers and small- and medium-sized law firms in understanding the opportunities, limitations and ethical implications of artificial intelligence in legal practice. The principal outcome of the project was the publication of the Guide on the Use of Artificial Intelligence by Lawyers, followed by the Guide on the Use of Generative AI by Lawyers in 2025. These guides provide practical guidance on the responsible use of AI technologies, with particular emphasis on professional ethics, confidentiality, legal professional privilege, human oversight, competence, transparency, accountability and compliance with the emerging European regulatory framework, including the AI Act.

Additionally, the “*Legal AI Adoption & Innovation: Insights for Small Law Firms in Europe*” (2026) report, published by Wolters Kluwer, represents one of the most comprehensive empirical studies examining artificial intelligence adoption among European legal practitioners. The research was conducted among 633 legal professionals working in small law firms and solo practices across six European jurisdictions—Belgium, France, Germany, Italy, the Netherlands and Spain. The study specifically focuses on lawyers practising in small and medium-sized legal organisations, investigating the extent to which AI technologies, particularly generative AI, have been integrated into legal workflows. The survey explores patterns of AI adoption, perceived benefits and barriers, investment priorities, productivity gains, ethical concerns and future expectations regarding AI-enabled legal services. By concentrating exclusively on practising legal professionals within the European legal market, the report provides valuable empirical evidence on the digital transformation of legal practice and offers a comparative overview of AI maturity across participating jurisdictions. As such, it constitutes one of the most relevant contemporary sources for analysing the adoption of artificial intelligence within the European legal profession (Wolters Kluwer, 2026).

The findings exported by all the above studies indicate that AI is no longer a supplementary tool but a structural pillar of everyday legal work.

This trend is also reflected at national level. A recent primary empirical study addressed to lawyers practicing in Cyprus, conducted in the context of a postgraduate programme and reported by the mediafirm Reporter, indicated that 93.6% of respondents use AI on a daily, weekly or occasional basis, while 64% began using AI in their professional work only within the preceding twelve months (Diamant, 2026). The speed of AI adoption is

particularly noteworthy, as professional rules, ethical guidance and judicial expectations are being developed while lawyers take advantage of AI technology. Bar associations, including the Cyprus Bar Association, have already begun issuing guidelines giving emphasis on the verification of AI output, protection of client confidentiality and professional competence in the use of technological tools.

However, the implications of AI extend well beyond improvements in efficiency and productivity. AI systems may generate inaccurate legal citations, case law or reproduce existing biases leading to a serious damage or bringing a negative impact on judicial proceedings. Consequently, the use of AI raises important concerns regarding the right to a fair trial, the transparency of judicial decision-making and the protection of the rule of law. Addressing these challenges requires more than legislative intervention. Courts, bar associations and legal education institutions must also adapt by developing effective mechanisms to oversee and guide the responsible use of AI, particularly as these technologies have already become part of everyday legal practice.

1.2 Toward a Functional Classification of AI Systems in Justice: Theoretical Foundations and Categories

Understanding the impact of AI on judicial practice presupposes a systematic classification of the different types of AI systems according to the role they assume within the judicial process. Whereas the AI Act adopts a risk-based approach that classifies AI systems primarily by reference to the impact on the protection of fundamental rights and freedoms, legal scholarship has developed a complementary functional classification, grounded in the practical role that a modern AI system plays within the adjudicative process.

According to the ECLA survey, technology within law firms contributes in the execution of supportive tasks which cover several fields of legal activities. Therefore, we may proceed to the following classification of AI tools, based on their services and utility for lawyers (Kannellos, 2021).

At the first level are support systems: tools for automated legal research, case-law analysis and document processing, which facilitate the work of judges and legal professionals without directly influencing judicial determination. Their legal significance is comparatively limited, since judicial independence is not directly compromised; nevertheless, even these systems may indirectly shape legal argumentation through the selection,

ranking and presentation of information, and their influence on the framing of a case should not be dismissed as negligible.

At the second level administrative AI systems are displayed, contributing to the organisation of judicial activity, including case allocation, the management of judicial files, and the scheduling of hearings. A characteristic example is the use of automated case-allocation software of the SLPS type for the random assignment of cases to judges. Despite their ostensibly technical character, such systems raise significant questions of transparency and of compliance with the principle of the lawful judge (natural judge), since algorithmic allocation, unless accompanied by adequate safeguards, may compromise foundational principles of judicial organisation.

At the third level are decision-support systems, which directly influence judicial determination through tools for outcome prediction, risk assessment, and sentencing recommendation. These systems are among the most contested, being associated with a heightened risk of algorithmic bias and of infringement of fundamental rights, since they shape – and at times effectively predetermine – the framework within which the final judicial decision is reached. Finally, at the fourth and most hazardous level are fully automated decision-making systems, which render judicial determinations without human intervention. Such systems conflict directly with foundational principles of the rule of law and generate considerable theoretical and regulatory concern at the international level, even though their actual deployment within judicial systems currently remains limited.

The functional classification is directly correlated with the intensity of interference with fundamental rights: the closer a system is positioned to the moment of decision, the greater the risk of infringing the right to a fair trial, the principle of transparency and the requirement that judicial decisions be reasoned. Support systems accordingly carry a low impact, administrative systems may affect the fairness of proceedings, and decision-support and fully automated systems are associated with a high risk of rights infringement – an analytical gradient that aligns with the approach of international bodies such as the Council of Europe’s European Commission for the Efficiency of Justice (CEPEJ, 2018), which emphasises transparency, non-discrimination and human control.

Although the AI Act does not itself adopt a functional classification, the two frameworks operate in an interactive perception. Support systems typically correspond to low-risk applications under the AI Act, whereas decision-support systems are frequently captured by the high-risk category addressed in Articles 6 and 7 and in Annex III, which lists the

administration of justice among the areas where AI use is presumed to carry a high risk to health, safety or fundamental rights.

Chapter Two: Legal Risks, Comparative Jurisprudence and Regulatory Responses

2.1 Professional Responsibility and Judicial Sanctions for AI-Generated Errors: A Comparative Analysis

The functional classification of AI systems developed in Chapter One has demonstrated the multidimensional deployment of such systems in legal practice. Nevertheless, AI cannot and should not substitute for the dynamic presence of the legal practitioner, whether lawyer or judge. Rigorous scrutiny and intensive human oversight are required; absent such safeguards, the quality of the administration of justice is compromised and serious risks arise for its integrity and reliability. Indeed, there is already sufficient jurisprudence which attests that the massive and uncontrolled deployment of AI by legal professionals has given rise to judicial sanctions against attorneys as well as the perpetuation of discriminatory bias (Hyde, 2026; Hern, 2025; Laux, 2024; Ben Green, 2022; Binns, 2022).

The milestone case is *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023), a personal-injury action in which the plaintiff's counsel used ChatGPT to research supporting precedent and submitted a brief citing several judicial decisions that did not exist. Having identified that the citations were fabricated, Judge P. Kevin Castel imposed sanctions on the attorneys under Rule 11, requiring, among other measures, that the client be notified of the sanctions order. The court's reasoning bears directly on the standard of care expected of counsel: filing papers "*without taking the necessary care in their preparation*" corresponded to an abuse of the judicial system attracting Rule 11 sanction and Rule 11 was described as creating an incentive to "*stop, think and investigate more carefully*" before filing, according to *Cooter & Gell v. Hartmarx Corp* (1990). *Mata* remains the most illustrative warning to the legal profession of the risks entailed in the unverified and illicit use of generative AI.

There is supplementary case law which follows the aforementioned fundamental case and confirms the above remarks. In *Fletcher v. Experian Information Solutions, Inc.; Bridgecrest Credit Co., L.L.C.* (5th Cir., No. 25-20086, 18 February 2026), the United States Court of Appeals for the Fifth Circuit held that counsel had used AI to draft a substantial portion of a reply brief without verifying its accuracy, imposing a monetary sanction of \$2,500 while declining to suspend her from practice in light of the absence

of intent and her acknowledgment of the error. The court observed that submitting a brief “*riddled with fabricated quotations and assertions*” constitutes an abuse of the adversarial system, drawing on *Park v. Kim*, 91 F.4th 610, 615 (2d Cir. 2024). The significance of *Fletcher* extends beyond the facts of the case itself. It illustrates that the submission of AI-generated fabrications is no longer limited to proceedings before trial courts but has also arisen before appellate courts. Since 2023, at least 95 documented incidents in the United States have resulted in substantial fines or suspensions of up to ninety days for the submission of AI-generated fabrications. Taken together, these cases demonstrate that the phenomenon has evolved from isolated incidents into a systemic challenge for the administration of justice.

A similar remark can be found in the case *England and Wales*. In *Ayinde v Haringey LBC* and the conjoined matter of *Al-Haroun v Qatar National Bank* ([2025], King’s Bench Division), the High Court found that AI technology had been deployed to prepare submissions and witness statements containing material that had not been checked or verified, with the result that inaccurate and non-existent material was placed before the court. The Divisional Court referred counsel to his professional regulator, observing that “*a lawyer is not entitled to rely on their lay client for the accuracy of citations of authority or quotations that are contained in documents put before the court by the lawyer*” and that ensuring such accuracy should be the lawyer’s own professional responsibility. The Court further warned that the unverified use of AI may, in appropriate cases, lead to findings of contempt of court or even criminal liability. It supported this conclusion by referring to decisions from England and Wales, Australia, New Zealand and Canada, including *Harber v. Commissioners for His Majesty’s Revenue and Customs* [2023] UKFTT 1007 (TC), *Zzaman v. Commissioners for His Majesty’s Revenue and Customs* [2025] UKFTT 00539 (TC), *Valu v. Minister for Immigration and Multicultural Affairs (No. 2)* [2025] FedCFamC2G 95, *Wikeley v. Kea Investments Ltd.* [2024] NZCA 609, *Zhang v. Chen* [2024] BCSC 285, and *Geismayr v. The Owners, Strata Plan KAS 1970* [2025] BCCRT 217. Taken together, these decisions reflect an emerging judicial consensus across common-law jurisdictions: while AI may assist legal work, it cannot replace the lawyer’s professional duty to verify the accuracy of every legal authority and submission presented to the court.

In *Ayinde*, the Court referred to the Ontario Superior Court’s decision in *Ko v. Li* [2025] ONSC 2766, which clearly defined the professional duties of lawyers when using generative AI. The Court emphasised that counsel

owe duties to the court, their clients and the administration of justice. Lawyers remain responsible for accurately presenting the law, must not rely on fabricated or misleading authorities, and must ensure that every legal authority cited supports the proposition for which it is relied upon. They are also expected to use technology competently, supervise any work prepared on their behalf, and personally review all documents filed under their name, including material generated by AI. Above all, lawyers must independently verify every authority they cite and must never mislead the court.

Taken together, Mata, Fletcher and Ayinde establish a consistent judicial approach: the use of AI does not reduce or transfer a lawyer's professional responsibilities. Regardless of how sophisticated an AI system may be, counsel remain personally responsible for the accuracy of their legal research, submissions and representations to both the court and their clients.

The above significant case law should be examined in combination with the established principles of professional negligence. The general duty of care recognised in *Donoghue v. Stevenson* [1932] AC 562 and further developed in *Caparo Industries plc v. Dickman* [1990] 2 AC 605 provides the legal foundation for applying traditional negligence principles to the use of generative AI by legal professionals. As leading tort scholars observe, the law of negligence is sufficiently flexible to accommodate new forms of professional risk without requiring the creation of separate doctrinal categories (Lunney et al, 2024; Cane, 2021).

In this context, a lawyer's duty of care includes what may properly be described as a duty of technological competence. Rather than creating a new legal duty, this concept reflects the modern content of the lawyer's existing duty of competence, requiring legal professionals to understand the capabilities and limitations of the AI tools they use, recognise the risk of inaccurate or fabricated outputs, and independently verify all AI-generated material before relying upon it (Shope, 2021; McPeak, 2019; Frostestad, 2019). This perception is notable declared by the American Bar Association's Formal Opinion 512 on Generative Artificial Intelligence and the CCBE Guidelines on the Use of Artificial Intelligence by Lawyers (American Bar Association, 2024).

Where a lawyer relies on non-existent authorities or other inaccurate AI-generated content without proper verification, bringing damages to the client's interests, both civil liability and disciplinary consequences may arise. The lawyer's responsibility arises not from the use of AI itself but from the failure to exercise the standard of care expected of a reasonably competent legal professional.

This approach is increasingly reflected in professional guidance issued by national bar associations, including the Cyprus Bar Association. Although the terminology varies across jurisdictions, these instruments consistently identify four core professional obligations: (i) a duty to verify AI-generated content before relying on it; (ii) a duty to protect client confidentiality and avoid the uncontrolled disclosure of client information to third-party AI systems; (iii) a duty of technological competence, requiring lawyers to understand both the operation and the risks of the technologies they use; and (iv) the overarching principle that responsibility for legal work always remains with the lawyer. The use of AI neither transfers nor diminishes that responsibility.

2.2 Algorithmic Case Allocation, Judicial Independence and the AI Act: The Pending Rowicz Reference

The serious concerns and legal issues which arise from the deployment of AI in justice are thoroughly demonstrated at European level on the occasion of a milestone pending case before the Court of Justice of the European Union. Issues of bias, transparency, accountability and fair trial were strongly claimed. In fact, the Court of Justice of the European Union (CJEU) published a request for a preliminary ruling in Case C-159/25 concerning the Random Case Allocation System (SLPS) used for assigning judges to court cases. The request highlights the need for objective case allocation methodologies that ensure judicial independence, impartiality, and a fair trial as per Article 47 of the Charter of Fundamental Rights of the EU. The SLPS system, classified as high-risk under the EU AI Act, raises concerns about bias, errors, and transparency, potentially infringing citizens' rights to a fair trial. The system's lack of transparency and technical function affects the exercise of the right to a court guaranteed under Article 47 of the Charter.

The referring court's doubts were triggered by a subsequent administrative process: on 30 October 2024, the judge to whom the cases had originally been allocated was, at her own request and by decision of the court's governing council, relieved of responsibility for one hundred cases previously assigned to her by the SLPS, without any reasoning being given for that relief beyond a bare reference to twelve other pending matters. On 13 January 2025, after a long period of approximately two and a half months, those one hundred cases were reassigned by lot through the SLPS, with fifty-six, including the two cases underlying the present reference, reallocated to a different judge, while an administrative complaint against

that reallocation was dismissed, the president of the court noting that he lacked jurisdiction to assess the operation of the SLPS itself.

The question referred asks, in substance, whether a national court, ruling at last instance and whose composition includes a judge assigned to a case through automated allocation software following a case-allocation report and a prior decision of the court's governing council, satisfies the requirements of an independent and impartial tribunal previously established by law under Article 19(1), second subparagraph, TEU, read together with Articles 20 and 47 of the Charter of Fundamental Rights and recital 61 of the AI Act, in circumstances where: the governing council relieved the original judge of her caseload arbitrarily and in violation of national rules restricting reassignment to cases of genuine incapacity or long-term impediment; the reassignment was effected through software created by a representative of the executive branch, namely the Minister of Justice, acting under rules that the Minister had himself enacted; the operation of the underlying source code could not be verified or independently audited by the parties, limited technical information having been published only via an official gazette, notwithstanding a risk of error or manipulation inherent in the system; the reassignment resulted in an asymmetric distribution of cases among the court's judges, inconsistent with the principle of non-discrimination and equality before the law; and the judge affected had no effective remedy under national law to challenge the administrative decision before an independent and impartial tribunal, as required by Article 47 of the Charter.

Advocate General's Opinion, delivered on 19 March 2026, concluded that Article 19 TEU, read in the light of Article 47 of the Charter, does not preclude national provisions establishing an automated random case-allocation system based on a random-number generator and operating without human intervention, provided that the system is accompanied by safeguards capable of preventing any arbitrary use of the system and any improper interference with its operation. No final judgment of the Court of Justice has yet been delivered, therefore the reference remains pending.

The Rowicz reference illustrates the functional classification implemented through Chapter One. In principle, an administrative system such as the SLPS does not deliver justice as such but it serves for procedural issues since it allocates cases. However, the lack of reasoned justification, judicial review as well as transparency regarding its functioning, brings serious concerns regarding judicial independence and the principle of the lawful judge. In that sense, fair trial is equally in peril and AI assistance

poses significant dangers for human judgement in critical judicial functions (Paar, 2025).

The AI Act regulation per se reinforces the above statement. Annex III identifies the administration of justice, including systems intended to be used for researching and interpreting facts and the law and for applying the law to a concrete set of facts, and systems intended to assist judicial authorities in researching, interpreting and applying the law, among the high-risk use cases subject to the obligations set out in Articles 6 and 7 of the Regulation that include risk management, data governance, technical documentation, transparency toward users, human oversight and accuracy, robustness and cybersecurity requirements. Case-allocation systems of the SLPS type sit at the boundary of this high-risk category: although they do not rule on the dispute, their capacity to affect the composition of the deciding tribunal brings them within the functional gravitational field of judicial decision-making, in the sense identified in Chapter One.

CONCLUSION

The integration of artificial intelligence into judicial practice and the legal profession constitutes an inevitable development, following the ongoing accelerating scientific evolution. As such, substantial benefits for legal practitioners are generated but also are raised serious legal risks. The comparative analysis undertaken in this paper demonstrates that the legal risks associated with AI are not the same across all judicial applications since they usually depend on the function performed by the particular AI system. AI tools used by lawyers for legal research and document drafting primarily raise issues of professional negligence and disciplinary responsibility without properly affecting or determining the judicial ruling on a dispute. By contrast, administrative AI systems used for case allocation, as demonstrated in Rowicz case, may affect judicial independence and the right to a fair trial. The major risk arises where AI assists or replaces judicial decision-making itself. In such circumstances, concerns extend beyond professional responsibility to fundamental guarantees of due process, judicial transparency, reasoned decision-making and effective judicial accountability.

The analysis conducted in this paper demonstrated that a functional classification of AI systems in justice provides a valuable complement to the risk-based approach adopted by the EU AI Act. Certainly, it does not displace the Act's categories but refines their application within the specific institutional setting of the courts, helping to identify where along the

fundamental principles of transparency, contestability and human oversight obligations should be most rigorously enforced. Undoubtedly, human intervention remains indispensable in any phase of judicial or legal process.

The principle of technological competence, already reflected in the guidance issued by professional bodies such as the Council of Bars and Law Societies of Europe (CCBE), should not remain confined to the legal profession. Similar standards are also required for courts and judicial administrations. Judicial authorities should be familiarized with the capabilities and limitations of the AI systems they use, ensure that those systems are independently assessed and appropriately supervised and provide effective mechanisms for challenging decisions or administrative measures that are generated or affected by automated processes.

It is strongly suggested through this paper that future legal and regulatory developments, both at European and national level, are likely to distinguish between different uses of AI according to the function performed by the system and the legal risks associated with that function. Such an approach would allow legal rules to be tailored to the specific risks arising from different AI applications, while preserving the fundamental guarantees of judicial independence, procedural fairness and effective judicial protection.

Concluding, AI has the potential to improve the efficiency and accessibility of justice. At the same time, its deployment must remain subject to clear legal safeguards as well as to continuous and responsible human oversight. Afterwards, the ultimate goal of the European Institutions and leaders is to establish not only a powerful and productive artificial intelligence but mainly a trustful AI technology which puts the protection of fundamental rights at the centre of this scientific approach and promotes the core principle of rule of law.

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