

Important Public Briefing Report: The Judiciary and the World Economic Forum

**Judicial Advisory Group on Artificial Intelligence (2019):
Potential Compromise and Conflicts of Interest**

Prepared by Ethical Approach UK - October 2025

1. Introduction

In March 2019, the judiciary of England and Wales announced the formation of an Artificial Intelligence Advisory Group. Chaired by Professor Richard Susskind, the group was tasked with advising senior judges on the impact of AI technologies on the courts and the justice system.

Membership included four senior judicial figures, representatives from the Bar, academia and industry. Of particular note were Sir Geoffrey Vos (now Master of the Rolls), Lord Neuberger (former Supreme Court President) and Kay Firth-Butterfield, then Head of AI and Machine Learning at the World Economic Forum (WEF).

This note examines the constitutional and legal implications of that group's composition and function, with particular focus on (1) potential judicial compromise, (2) conflicts of interest and (3) regulatory capture arising from overlap between the judiciary, regulators and external global bodies such as the WEF.

2. Key Facts

2.1 Membership Composition

Judicial members: Lord Neuberger, Sir Geoffrey Vos, Lady Justice Sharp, Mr Justice Birss.

External figures:

Kay Firth-Butterfield (WEF).

Orlando Conetta (Pinsent Masons, non-solicitor).

Matthew Lavy (barrister).

John Sorabji (legal adviser to LCJ).

Professor Katie Atkinson (AI academic, University of Liverpool).

2.2 WEF Connection

In January 2019, the UK Government announced a partnership with the WEF at Davos, including collaboration on regulatory innovation.

Kay Firth-Butterfield played an instrumental role in this partnership and simultaneously sat on the judiciary's AI Advisory Group.

2.3 Regulatory Overlap

Around the same period, the Treasury launched the Regulators' Pioneer Fund (RPF), channeling government funds to regulators (including the Solicitors Regulation Authority, SRA) to explore technology adoption in law and finance.

These initiatives were aligned with WEF's "Agile Regulation" agenda, raising questions about external influence on UK regulatory priorities.

3. Constitutional Concerns

3.1 Judicial Independence

The independence of the judiciary is a constitutional cornerstone. Judicial advisory groups must avoid conflicts or perceived conflicts with external interests. Here:

The presence of a senior WEF official (Firth-Butterfield) within a judicial advisory body risks creating an apparent alignment between global policy frameworks (WEF) and domestic judicial thinking.

The judiciary must be seen to act solely in accordance with the UK constitution and law. By engaging with an external body with policy and commercial interests, this independence risks dilution.

3.2 Sir Geoffrey Vos' Dual Role

In 2019, Vos sat on the AI Advisory Group. By 2021, as Master of the Rolls, he assumed responsibility for oversight of appointments to the Solicitors Disciplinary Tribunal (SDT).

This creates a potential conflict: the same individual sits at the intersection of judicial policy formation (influenced by WEF-linked initiatives) and regulatory adjudication of solicitors.

The risk is one of regulatory capture through judicial authority: a global policy agenda enters the domestic legal system, shielded by judicial endorsement.

3.3 Solicitor Exclusion

Solicitor representation was nominal and indirect (Orlando Conetta, not a solicitor).

This exclusion suggests the profession most affected by regulatory innovation had little say in how AI and technology would be integrated into the justice system.

This imbalance risks procedural unfairness, undermining the legitimacy of future reforms.

4. Potential Judicial Compromise

4.1 Conflicts of Interest

Kay Firth-Butterfield's dual role is emblematic of conflict: she was simultaneously advancing the WEF-UK partnership while advising the judiciary.

Any judicial reliance on this advisory group for policy or decision-making may therefore be tainted by external agenda-setting.

4.2 Regulatory Capture

The RPF funding streams, connected to WEF-aligned projects, coincide with judicial advisory input.

This raises the possibility that judicial thought-leadership was being steered in directions advantageous to WEF frameworks rather than arising from impartial judicial assessment.

4.3 Compromised Separation of Powers

Judicial independence requires strict separation from both executive influence and external lobbying.

In this case, the executive branch (Treasury, BEIS) and an external global body (WEF) appear to have simultaneously influenced judicial advisory structures.

This may constitute a breach of constitutional principle, where the judiciary becomes indirectly subordinated to globalised policy direction.

5. Legal and Constitutional Analysis

1. Constitutional Duty - Judges must uphold the constitution and avoid circumstances where their impartiality could reasonably be questioned (cf. Article 6 ECHR, rule of law principles).

2. Judicial Code of Conduct - The Judicial Conduct Rules (2014) prohibit judges from allowing outside influence to undermine their independence. The presence of WEF officials within advisory groups creates at least the appearance of impropriety.

3. Conflict with Article 2 ECHR Duties - If judicial policy on AI and regulation indirectly shapes decisions affecting life, liberty, or fairness (e.g., in healthcare AI, surveillance, or tribunals), compromised independence could breach positive obligations under the Convention.

4. Ultra Vires Risk - Judicial advisory groups are not legislative bodies. If external actors direct their policy orientation, decisions emerging from such influence may later be challenged as ultra vires (beyond lawful authority).

6. Conclusion

The 2019 AI Advisory Group marks a watershed moment where judicial independence in England and Wales became entangled with global policy networks. The inclusion of WEF officials in direct advisory capacity to senior judges represents:

A potential compromise of constitutional independence.

A conflict of interest for Sir Geoffrey Vos and others occupying both judicial and regulatory oversight roles.

A structural risk of regulatory capture, embedding WEF frameworks into judicial and regulatory policy.

The constitutional danger is that the judiciary ceases to be an impartial guardian of the rule of law and instead becomes a conduit for externally-defined agendas. This undermines both the legitimacy of the justice system and the sovereignty of the UK constitution.

7. Recommendations

1. Transparency - All minutes, records and correspondence of the 2019 AI Advisory Group should be disclosed under FOIA.

2. Conflict Audit - Independent review of whether WEF involvement in judicial advisory functions breached constitutional safeguards.

3. Safeguard Framework - Formal prohibition on judges serving in advisory groups that include representatives of lobbying or global policy organisations.

4. Parliamentary Oversight - Select Committees must investigate the extent of WEF influence on judicial policy formation.

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7th October 2025