



# Supreme Court decision in *Deng v Zheng*: Guidance on bringing relevant social and cultural information to the Court's attention

2 August 2022



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NZ Asian Lawyers, the New Zealand Law Society | Te Kāhui Ture o Aotearoa and the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture, in association with Buddle Findlay, bring you a live-streamed seminar on the relevance of social and cultural considerations in legal relations between parties, and how to bring that to the attention of the Court.

This seminar follows the recent decision of the Supreme Court in *Deng v Zheng* [2022] NZSC 76. A copy of the judgment can be [found here](#), and a copy of the Supreme Court's media release can be [found here](#).

The Court considered evidence and submissions on the relevance of *guānxi* – interpersonal connections in the Chinese culture – to the partnership issues in the case.

The Court provided guidance on bringing relevant information to a court's attention when the social and cultural framework of one or more of the protagonists is relevant to determining the adjudicative issues between the parties. In doing so the Court said that its comments did not address *tikanga* which it saw as raising special legal and historical issues.

The decision is of significance in casting a light on:

- the different considerations that can apply to the assessment of evidence and legal relations if parties have a different social and cultural background to that of a judge; and
- the need to have regard to cultural dimensions in addressing legal issues and in ensuring adequate evidence and expert evidence is adduced to assist the Court.

The seminar will be presented by:

- **The Honourable Justice David Goddard**, a Judge of the Court of Appeal; and
- **Mai Chen**, Senior Partner at Chen Palmer, President of NZ Asian Leaders. Mai was one of the counsel who appeared on behalf of the Law Society in *Deng v Zheng*. She is the author of *Culturally and Linguistically Diverse Parties in the Court: A Chinese Case Study* (Superdiversity Institute of Law, Policy and Business, November 2019) cited in the Court of Appeal and Supreme Court judgments.

The seminar will include introductions and commentary from:

- **Jacque Lethbridge**, President of the New Zealand Law Society | Te Kāhui Ture o Aotearoa;
- **Paul Radich QC**, President of the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture;

### Event Details

Date: 2 August 2022

Livestream: 5.15pm – 6.15pm (1 hour CPD)

In Person: 5pm – 7.30pm (1 hour CPD)

Venue: Buddle Findlay (Wellington) - Aon Centre,  
1 Willis Street, Wellington 6011

## RSVP for this event

## Our Presenters



### The Honourable Justice David Goddard - Judge of the Court of Appeal

Justice David Goddard was appointed as a judge of the High Court and Court of Appeal in 2019. Before his appointment he had a wide-ranging practice with a particular focus on appellate litigation. He also had an extensive involvement in law reform in New Zealand and overseas, advising ministers and government agencies, representing New Zealand in bilateral and multilateral negotiations, and drafting legislation and international agreements.

Justice Goddard spent the 2018-19 academic year at the New York University Law School as a Senior Global Fellow from Practice and Government, writing a book about the legal design process.

Justice Goddard is the chair of the New Zealand judiciary's Legislation and Law Reform Committee, and of the joint Judiciary/Ministry of Justice Information Governance Committee and Pandemic Online Courts Committee.



### Mai Chen – President NZ Asian Lawyers

Mai was born in Taiwan and immigrated to NZ when she was a young girl speaking only Mandarin. She has a First-Class Law Honours degree from Otago University, a Master of Laws degree from Harvard Law School.

Mai is the President of New Zealand Asian Lawyers and is Senior Partner of Chen Palmer, with over 30 years of experience in Public and Administrative Law. She also chairs the Superdiversity Institute of Law, Policy and Business and is Chair of NZ Asian Leaders.

Mai has served on several Boards, including as an independent non-executive Director on the Bank of New Zealand Board for 7 years and the Trade for All Advisory Board appointed by the Minister for Trade in 2019- 2020. She was a director on the Advisory Board of AMP Life Limited, and a member of the New Zealand Securities Commission for two terms. She was Adjunct Professor in both the School of Business and the Law Faculty at the University of Auckland and previously taught at Victoria University of Wellington's Law School.

Mai was also an inaugural Chair of New Zealand Global Women and is the inaugural Chair of SUPERdiverse WOMEN. Mai was placed on the Global Diversity List Top 50 Diversity Figures in Public Life, in the Global Diversity List 2016 (affiliated with the Global Diversity Awards, supported by The Economist). She was twice a finalist in New Zealander of the Year.

Mai co-founded Chen Palmer, one of NZ's first boutique law firms and Australasia's first "Washington-style" law firm specialising in legislation and public policy. She is a thought leader, a direction setter and a future thinker. Mai is one of NZ's top constitutional and administrative law experts, specialising in central and local Government policy and legislation, especially as it applies to business, and litigating public law cases. Mai is also a judicial review specialist and on Te Tiriti o Waitangi cases in the courts and the Waitangi Tribunal.

Mai has appeared before the Supreme Court, the Court of Appeal, the High Court and District Court, in the Māori Land Court, the Waitangi Tribunal, the Human Rights Tribunal, the Alcohol Regulatory and Licensing Authority, the Employment Relations Authority, the Disciplinary Tribunal of the New Zealand Institute of Chartered Accountants and the Immigration and Protection Tribunal. She has authored many books, reports, and papers and commentates in the media on public and administrative, regulatory and diversity/superdiversity issues.



## Jacque Lethbridge – President of the New Zealand Law Society | Te Kāhui Ture o Aotearoa

Jacque Lethbridge is the President of the New Zealand Law Society and a litigation partner at Martelli McKegg Lawyers in Auckland.

Ms Lethbridge is the third consecutive woman to be President and the 32nd person to fill the role in the 152-year history of the Law Society.

Ms Lethbridge started her career at the Waitangi Tribunal before moving into litigation; firstly, in criminal law with the Public Defence Service before transferring to civil litigation where she has been the first woman partner in two law firms.

Ms Lethbridge has held various voluntary board positions and trusteeships across a range of areas including as Chair of the Auckland Committee Law Centre Board for 10 years, co-founding Chair of Women in Restructuring and Insolvency and in 2021 was recognised by NZ Lawyer in both the 25 Most Influential Lawyers 2021 list and Elite Women Lawyers list 2021.



## Paul Radich QC - President of the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture

Paul joined the independent bar in 2012 and was appointed Queen's Counsel in 2014. He conducts cases mainly in the commercial and public law areas. He has represented government departments, public sector organisations and corporate entities in Royal commissions of inquiry and in government inquiries.

Paul has been involved in a good deal of work relating to Te Tiriti o Waitangi, including the negotiation of Treaty settlements and appearances in the Waitangi Tribunal and in our courts on Treaty issues.

In addition to his role as President of the New Zealand Bar Association, Paul is Chair of the Legal Aid Performance Review Committee, an immediate past board member of te Kura Kaiwhakawā / the Institute of Judicial Studies, and a past Convener of the New Zealand Law Society's Continuing Legal Education Committee.