



Understanding Proximate Cause: A Guide for Defense Teams

By Amanda Panagakis, PhD, Jury Consultant

Proximate cause is one of the most important and often misunderstood concepts in litigation. While causation generally asks whether an action contributed to an outcome, proximate cause focuses on whether the connection is direct enough to justify legal responsibility. For trial attorneys, success often depends on helping jurors understand not only what happened, but why a particular party should or should not be held responsible for the resulting harm.

Why Proximate Cause Matters to Jurors

Jurors play a central role in determining liability, yet most enter the courtroom without a formal understanding of proximate cause. Instead, they evaluate cases through the lenses of fairness, responsibility, and common sense. When defense teams fail to explain causation clearly, jurors may over-assign blame, overlook important facts, or rely on assumptions that do not align with the law.

A clear understanding of proximate cause helps jurors make reasoned decisions based on evidence rather than emotion or speculation. It gives them a framework for evaluating whether a defendant's conduct was sufficiently connected to the alleged harm. Just as importantly, it helps prevent misattributed blame by distinguishing between direct responsibility and outcomes shaped by unrelated or unforeseeable events.

The Defense Challenge: Explaining Causation

Many proximate-cause disputes center on where responsibility begins and ends. Defense counsel often face the challenge of showing jurors that a plaintiff's theory of causation overlooks important facts, additional actors, or unforeseen events that affected the outcome.

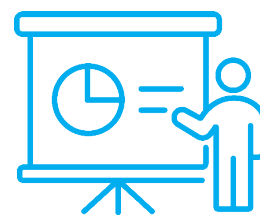
One common strategy involves identifying an intervening cause, meaning an event or action that occurred after the defendant's conduct and contributed to the harm. Attorneys may also focus on foreseeability, arguing that the resulting injury was too remote or unexpected to justify liability. In other cases, the defense may point to a superseding cause that broke the chain of causation altogether, shifting responsibility away from the defendant.

Contributory negligence can also play a significant role. By demonstrating that the plaintiff's own actions contributed to the injury, defense counsel may reduce or eliminate liability depending on the applicable jurisdiction. Finally, attorneys frequently challenge whether a direct causal connection exists at all, emphasizing gaps in the evidence and inconsistencies in the plaintiff's narrative.

Turning Complex Legal Concepts into Persuasive Trial Themes

Proximate cause is not simply a legal doctrine. It is a storytelling issue. Jurors must understand how events unfolded, why certain actions mattered, and whether responsibility should extend to the harm alleged. The more complicated the causal chain becomes, the more important it is for attorneys to simplify the story without oversimplifying the facts.

Effective defense teams often rely on timelines, demonstrative exhibits, witness testimony, and clear visual presentations to make causation easier to follow. Rather than focusing exclusively on legal terminology, successful advocates translate complex concepts into practical explanations that resonate with jurors. This approach helps jurors connect the evidence to the law and gives them confidence in their decision-making process.



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For defense counsel, the ultimate goal is to answer the questions jurors are already asking: What caused this outcome? Could it have been anticipated? Who should be responsible? When attorneys provide persuasive answers to those questions, they are better positioned to shape deliberations and influence the verdict.

Conclusion

Proximate cause often determines the outcome of liability disputes, but its significance extends beyond legal doctrine. Jurors who understand causation are better equipped to evaluate responsibility fairly and consistently. By presenting a clear causation story and addressing the practical realities behind legal responsibility, attorneys can help jurors reach informed and defensible conclusions.

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