
Reflective Practice & Pedagogies of Uncertainty in Clinical & Experiential Legal Education

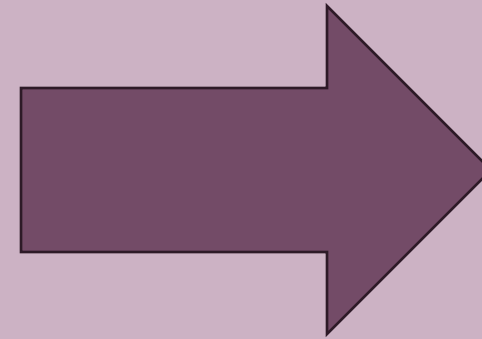
“The situations of practice are not problems to be solved but problematic situations characterized by uncertainty, disorder, and indeterminacy.”

(Schön, *The Reflective Practitioner*", 1983)

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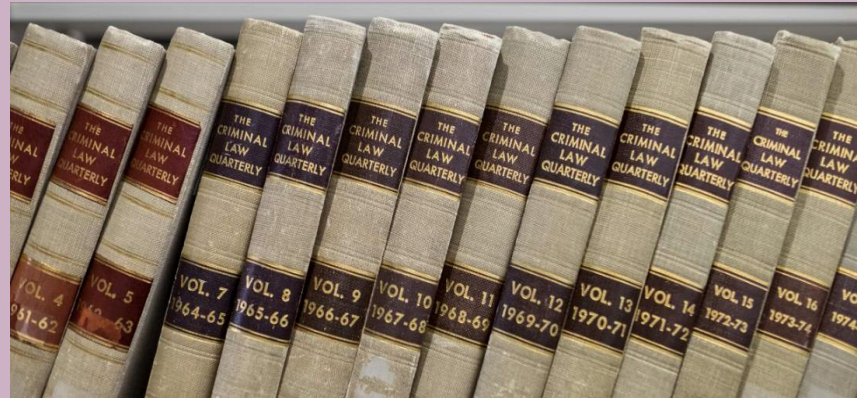


The Changing Context of Higher Education



Sarah Sze, "Metronome", Installation curated by Samuel Piazza, co-commissioned and co-produced by OGR (Italy) with Artagel – London and ARoS – Aarhus Art Museum, with the support of Victoria Miro, 2023.

Learning Contexts in Legal Education



Degree of uncertainty

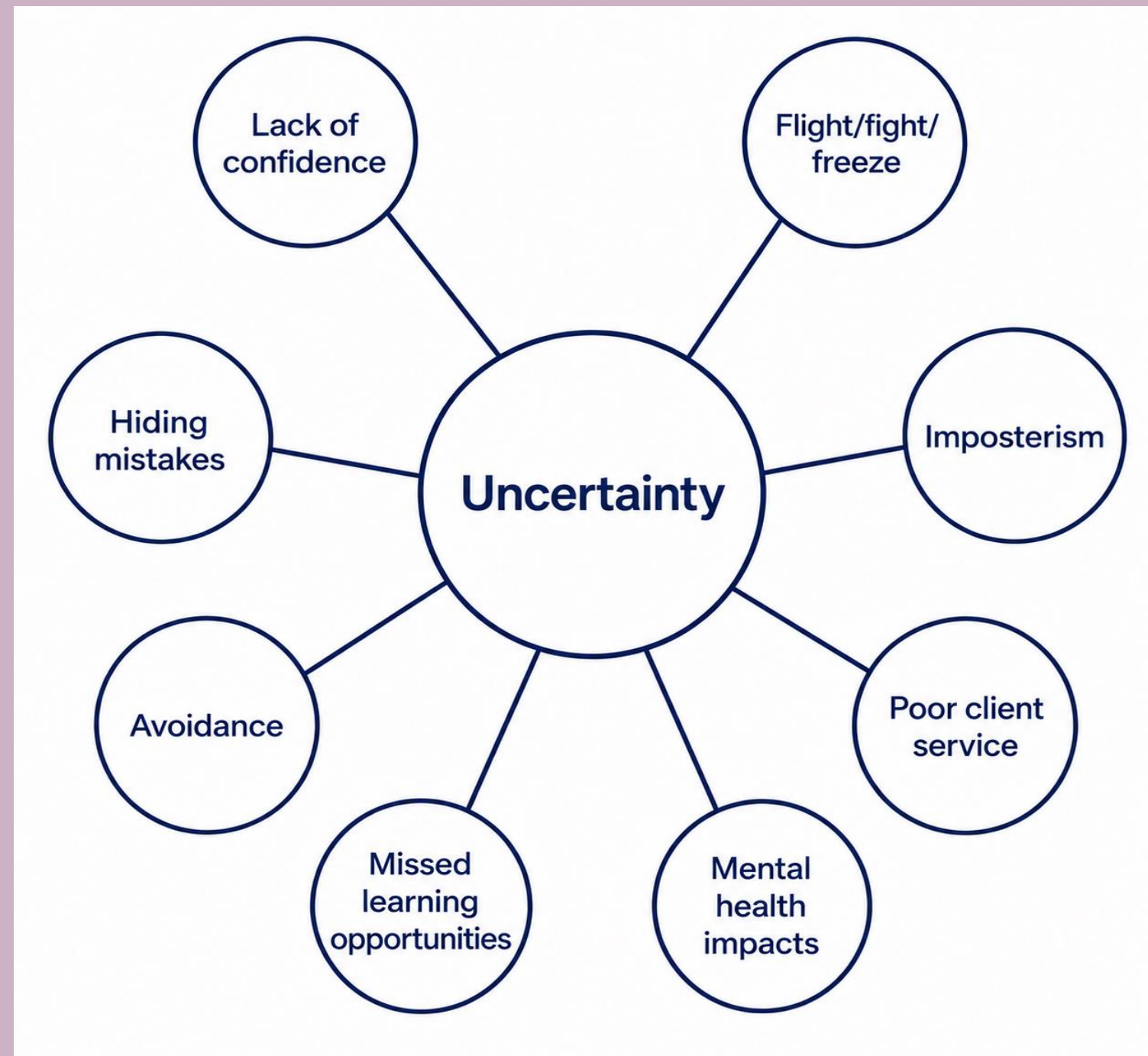
"Problems to be solved"



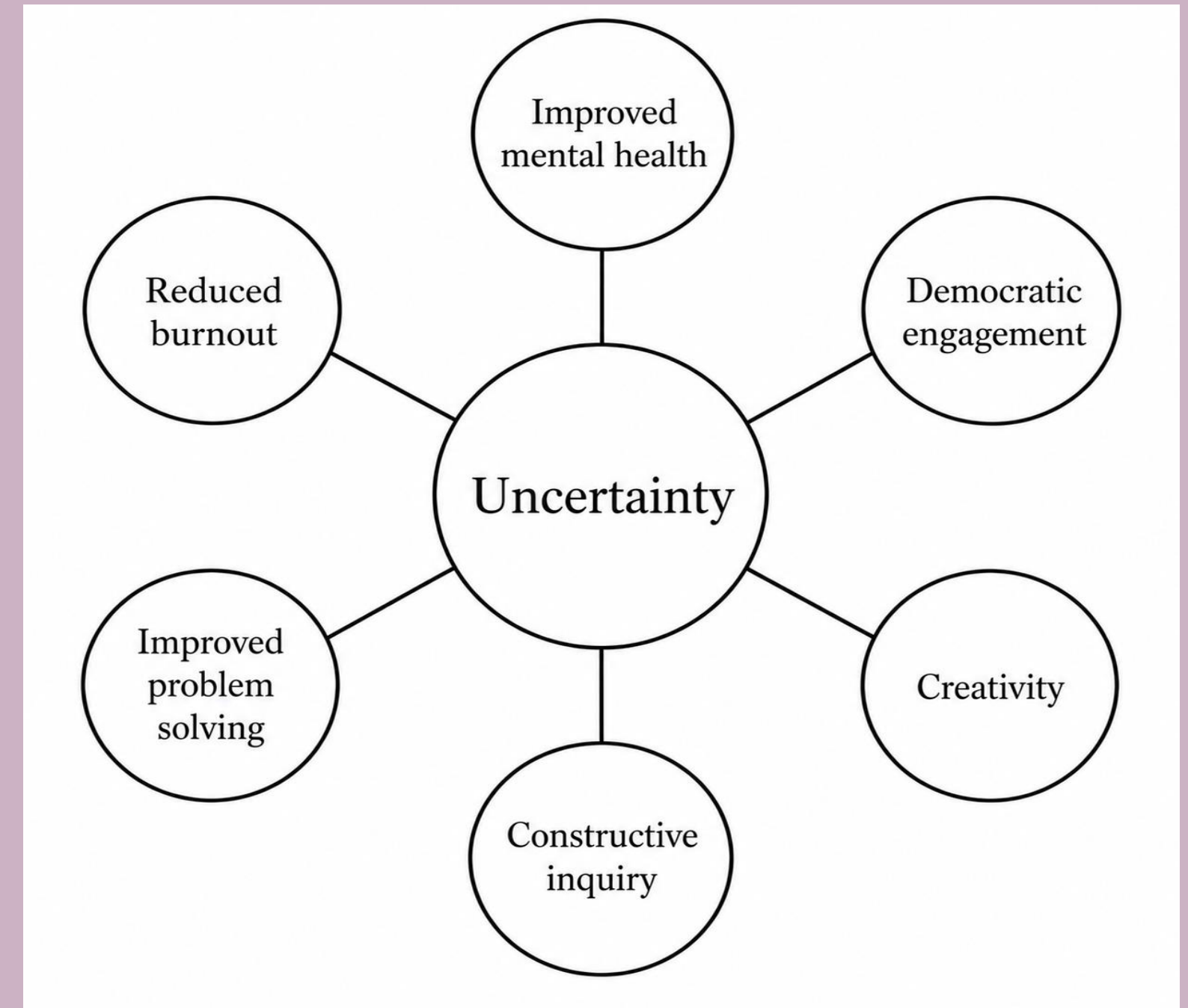
"Problematic situations characterized by uncertainty, disorder, and indeterminacy" (Schön)

Urgency of reflective pedagogies

Negative Implications of Uncertainty



Positive Implications of Uncertainty



REFRAMING UNCERTAINTY

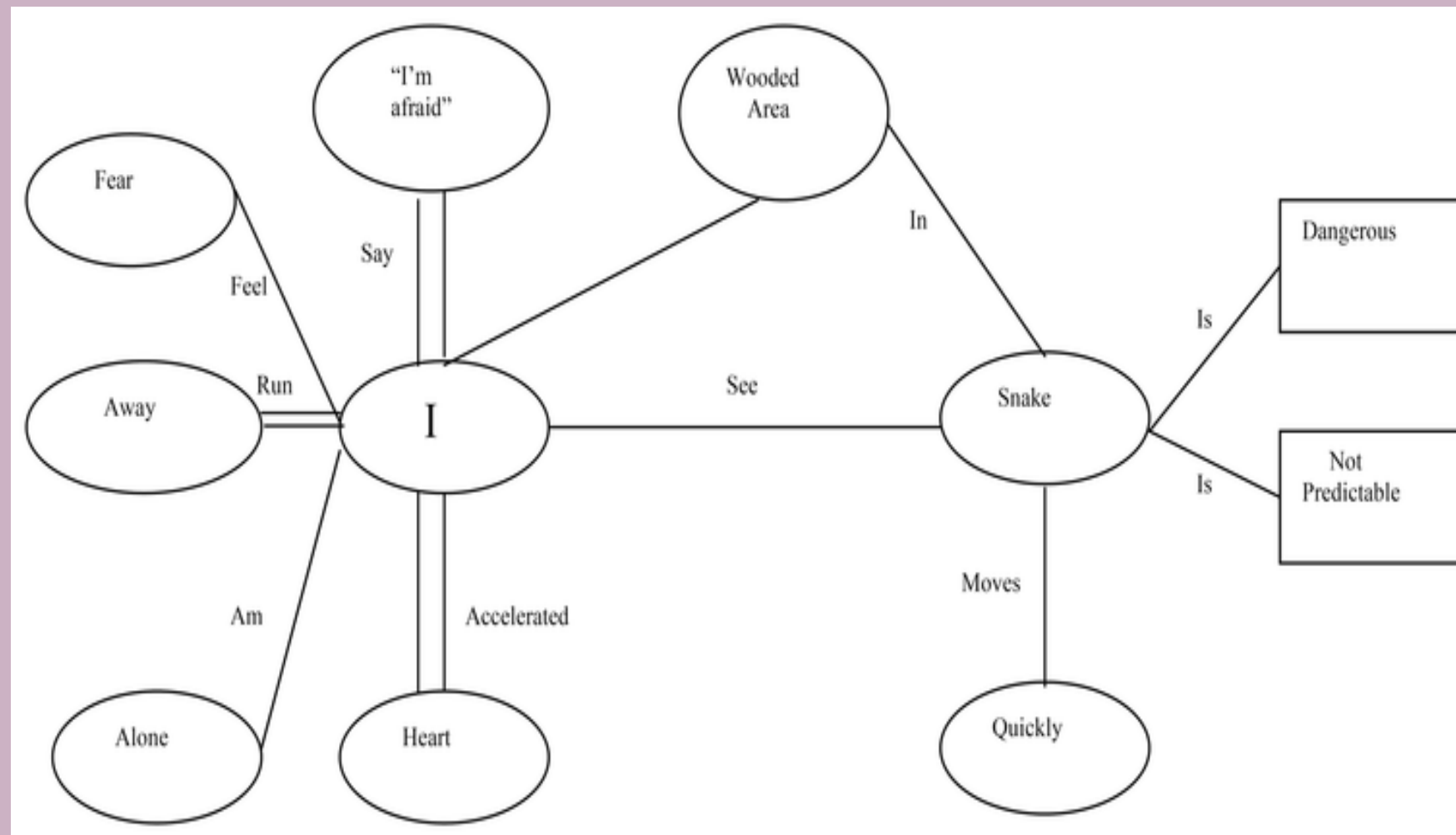
- Uncertainty is a “structural feature of the society in which we live”.
- Uncertainty can be a threat but also a possibility.
- Attempting to eliminate uncertainty is impossible and should be abandoned.
- Controlling the external results of uncertain events is less effective than focusing on situations where uncertainty is likely.
- Training for uncertainty is possible and essential; “training for uncertainty is, in fact, the only possible training in the postdigital context”.
- **The most fruitful goal is transforming students’ subjective perception of uncertainty.**

Lorenza Maria Capolla, "Shaping Educational Strategies: A Literature Review on Uncertainty and the Unexpected" (2024) 14:3 *Education Sciences* 309.



Sarah Sze, "Forever is Composed of Nows" (2025), San Francisco Museum of Modern Art

RELATIONAL FRAME THEORY



- 1) Human associations between concepts are learned behaviours (derived relational responding), often without being directly taught.
- 2) We become fused with our thoughts (cognitive fusion); thoughts become reality.
- 3) We begin to assume situations will be negative. *Thinking* about something causes distress, so we avoid the situation (experiential avoidance).
- 4) Consciously separating self from context ("self as observer") can separate the event from the association, freeing opportunity for creativity, alternative explanations, inquiry, etc.

A modified version of Lang's (1984) fear network. Stimulus propositions are designated in ovals, meaning propositions in rectangles, and response propositions by ovals connected with double lines.

Blackledge, J. T. (2003). An introduction to relational frame theory: Basics and applications. *The Behavior Analyst Today*, 3(4), 421–433.
<https://doi.org/10.1037/h0099997>

During a follow-up interview, a client who had been denied social benefits begins sobbing. The law student interviewer, Kai, becomes very upset, leaves the office, and gets the staff lawyer to come talk with the client.

The next week, Kai is assigned to conduct another intake. They become agitated, then says they can't meet with the client. Thereafter, Kai calls in sick and otherwise tries to avoid meeting with clients as much as possible. They decide they will never practice in an area such as child protection, family, immigration, or criminal law. The clients are just way too difficult to deal with.



APPLYING RFT TO KAI'S CLIENT INTERVIEW

- 1) Human associations between concepts are learned behaviours (derived relational responding), often without being directly taught.
- 2) Humans become fused with our thoughts (cognitive fusion), thoughts become reality.
- 3) We begin to assume situations will be negative. *Thinking* about something causes distress, so we avoid the situation (experiential avoidance)
- 4) Consciously separating self from context ("self as observer") can separate the event from the association.

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