

# MICHIGAN LAW REVIEW

## ARTICLES

Comparative Effectiveness Research as  
Choice Architecture: The Behavioral Law and  
Economics Solution to the Health Care Cost Crisis

*Russell Korobkin*

Judicial Independence and Social Welfare

*Michael D. Gilbert*

## NOTES

Plausible Absurdities and Practical Formalities:  
The Recess Appointments Clause in  
Theory and Practice

*David Frisof*

Toward a Child-Centered Approach to  
Evaluating Claims of Alienation in  
High-Conflict Custody Disputes

*Allison M. Nichols*

# MICHIGAN LAW REVIEW

---

Vol. 112, No. 4

February 2014

## CONTENTS

### ARTICLES

COMPARATIVE EFFECTIVENESS RESEARCH AS  
CHOICE ARCHITECTURE: THE BEHAVIORAL  
LAW AND ECONOMICS SOLUTION TO THE  
HEALTH CARE COST CRISIS . . . . . *Russell Korobkin* 523

JUDICIAL INDEPENDENCE AND  
SOCIAL WELFARE . . . . . *Michael D. Gilbert* 575

### NOTES

PLAUSIBLE ABSURDITIES AND PRACTICAL  
FORMALITIES: THE RECESS APPOINTMENTS  
CLAUSE IN THEORY AND PRACTICE . . . . . *David Frisof* 627

TOWARD A CHILD-CENTERED APPROACH TO  
EVALUATING CLAIMS OF ALIENATION IN  
HIGH-CONFLICT CUSTODY DISPUTES . . . . . *Allison M. Nichols* 663