

shall be restored to the docket of the court and treated for all purposes as if it had not been referred to arbitration.

(3) EXCLUSION OF EVIDENCE OF ARBITRATION.—The court shall not admit at the trial de novo any evidence that there has been an arbitration proceeding, the nature or amount of any award, or any other matter concerning the conduct of the arbitration proceeding, unless—

(A) the evidence would otherwise be admissible in the court under the Federal Rules of Evidence; or

(B) the parties have otherwise stipulated.

(Added Pub. L. 100–702, title IX, §901(a), Nov. 19, 1988, 102 Stat. 4662; amended Pub. L. 105–315, §9, Oct. 30, 1998, 112 Stat. 2997.)

#### REFERENCES IN TEXT

The Federal Rules of Evidence, referred to in subsec. (c)(3)(A), are set out in the Appendix to this title.

#### AMENDMENTS

1998—Pub. L. 105–315 amended section generally, substituting provisions relating to arbitration award and judgment for provisions relating to compensation of arbitrators.

### § 658. Compensation of arbitrators and neutrals

(a) COMPENSATION.—The district court shall, subject to regulations approved by the Judicial Conference of the United States, establish the amount of compensation, if any, that each arbitrator or neutral shall receive for services rendered in each case under this chapter.

(b) TRANSPORTATION ALLOWANCES.—Under regulations prescribed by the Director of the Administrative Office of the United States Courts, a district court may reimburse arbitrators and other neutrals for actual transportation expenses necessarily incurred in the performance of duties under this chapter.

(Added Pub. L. 100–702, title IX, §901(a), Nov. 19, 1988, 102 Stat. 4662; amended Pub. L. 105–315, §10, Oct. 30, 1998, 112 Stat. 2997.)

#### AMENDMENTS

1998—Pub. L. 105–315 amended section generally, substituting provisions relating to compensation of arbitrators and neutrals for provisions relating to district courts that may authorize arbitration.

## CHAPTER 45—SUPREME COURT

Sec.	
671.	Clerk.
672.	Marshal.
673.	Reporter.
674.	Librarian.
675.	Law clerks and secretaries.
676.	Printing and binding.
677.	Counselor to the Chief Justice.

#### AMENDMENTS

2008—Pub. L. 110–402, §1(b)(3)(B), Oct. 13, 2008, 122 Stat. 4254, added item 677 and struck out former item 677 “Administrative Assistant to the Chief Justice”.

1972—Pub. L. 92–238, §2, Mar. 1, 1972, 86 Stat. 46, added item 677.

### § 671. Clerk

(a) The Supreme Court may appoint and fix the compensation of a clerk and one or more deputy clerks. The clerk shall be subject to re-

moval by the Court. Deputy clerks shall be subject to removal by the clerk with the approval of the Court or the Chief Justice of the United States.

[(b) Repealed. Pub. L. 92–310, title II, §206(c), June 6, 1972, 86 Stat. 203.]

(c) The clerk may appoint and fix the compensation of necessary assistants and messengers with the approval of the Chief Justice of the United States.

(d) The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him. He shall make annual returns thereof to the Court under regulations prescribed by it.

(June 25, 1948, ch. 646, 62 Stat. 918; Pub. L. 88–279, §1, Mar. 10, 1964, 78 Stat. 158; Pub. L. 92–310, title II, §206(c), June 6, 1972, 86 Stat. 203.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§325, 326, 327, 541 and 542 (Feb. 22, 1875, ch. 95, §§2, 3, 18 Stat. 333; Mar. 3, 1883, ch. 143, 22 Stat. 631; Mar. 15, 1898, ch. 68, §8, 30 Stat. 317; Mar. 3, 1911, ch. 231, §§219, 220, 221, 291, 36 Stat. 1152, 1153, 1167; June 10, 1921, ch. 18, §304, 42 Stat. 24).

This section consolidates sections 541 and 542 of title 28, U.S.C., 1940 ed., with parts of sections 325, 326 and 327 of such title.

The provisions in said section 325 relating to appointment of a marshal and reporter are incorporated in sections 672 and 673 of this title.

The provisions in section 327 of title 28, U.S.C., 1940 ed., relating to duties and liabilities of the clerk's deputies are incorporated in section 954 of this title.

The provision of section 326 of title 28, U.S.C., 1940 ed., that a duly certified copy of the clerk's bond should be competent evidence in any court, is incorporated in section 1737 of this title.

The provision that the clerk shall be subject to removal by the Court is new. Section 327 of title 28, U.S.C., 1940 ed., contained a similar provision as to deputies, but fixed no term of office for the clerk and made no provision for his removal. The Supreme Court held, in 1839, that a district judge had power to remove his clerk at pleasure in absence of any law fixing the clerk's tenure. *In re Hennen*, 38 U.S. 230, 13 Pet. 230, 10 L.Ed. 138. (See, also *Myers v. U.S.*, 1926, 47 S.Ct. 21, 272 U.S. 52, 71 L.Ed. 160.)

The provision in section 326 of title 28, U.S.C., 1940 ed., that the clerk's bond be not less than \$5,000 and not more than \$20,000 was omitted. The Supreme Court should have wide discretion in such administrative matters. (See Hearings before Appropriations Committee, House of Representatives, 78th Cong., 2d sess., on Judiciary Appropriation Bill for 1945, page 102.)

A provision of section 326 of title 28, U.S.C., 1940 ed., that a renewed or augmented bond should be required upon the Attorney General's motion and after thirty days' notice was omitted. The manner of requiring such bond is left to the Court's discretion by the revised section.

A further provision of section 326 of title 28, U.S.C., 1940 ed., that the failure to furnish such renewed or augmented bond should vacate the clerk's office was omitted as unnecessary, since the clerk is removable by the Court under this section.

The references in section 541 of title 28, U.S.C., 1940 ed., to return “under oath” to be made “on the 1st day of January of each year, or thirty days thereafter” and “on a form prescribed by the Attorney General”, were omitted as fully covered by the revised language “annual returns” under “regulations prescribed by the Court”. Verification seems unnecessary especially as clerks of the courts of appeals are not required to submit similar returns under oath (see section 711 of this title). “Court” was substituted for “Attorney General”, since the latter's powers and functions in court administrative matters have been transferred to the Director