

# Should New Jersey Municipal Judge Be Forced to Quit Stand-Up Gig?

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Working as a New Jersey municipal judge should give a stand-up comedian a lot of great material. However, the Canons of Judicial Conduct also hold members of the judiciary to a very high ethical standard.

As a result, the New Jersey Supreme Court recently considered whether a [part-time municipal court judge](#) Vince A. Sicari should be forced to quit his successful career as a comedian and actor. In 2008, the Supreme Court Advisory Committee on Extrajudicial Activities found that his side job could “negatively affect the dignity of the Judiciary.”

New Jersey municipal judges largely work part-time and earn only \$13,000 a year. Therefore, it is common for them to hold other jobs, often as [New Jersey lawyers](#). While Sicari’s choice of profession is certainly non-traditional, it is unclear if it is unethical.

Under the [Canons of Judicial Conduct](#), members of the judiciary are required to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. They must also avoid the appearance of impropriety in all activities and “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

As argued by his attorney, Sicari has taken great pains to comply with the rules and separate his two careers. He appears under a stage name, Vince August, and does not reference his judicial position in his stand-up or television appearances. “I refuse to do a law joke,” Sicari has stated. “Superman doesn’t talk about Clark Kent.” Instead, Sicari’s comedy and acting gigs include stand-up performances, warming up the crowd before *The Colbert Report*, and regular appearances on ABC’s hidden camera show *Primetime: What Would You Do?*

As noted by [Abovethelaw.com](#), Sicari even warmed up the crowd before U.S. Supreme Court Justice Sonia Sotomayor’s recent appearance on *The Colbert Report*, in which she publicized her new book. “It seems a bit unusual that a United States Supreme Court justice can appear on the show but a municipal court judge making [\$13,000] a year can’t warm up the crowd,” said E. Drew Britcher, Sicari’s lawyer.

However, the Supreme Court Advisory Committee on Extrajudicial Activities found that Sicari’s side job crosses the line. It was particularly concerned with his role on *Primetime: What Would You Do?* in which unsuspecting people are placed in socially uncomfortable or unacceptable situations. In one episode, Sicari played a homophobic bar patron and attempted to incite the harassment of a same-sex couple. In its ethics opinion, the committee argued that such characters threaten Sicari’s appearance of impartiality on the bench.

It will ultimately be up to the [New Jersey Supreme Court](#) to decide whether audiences and potential litigants can separate Sicari's two lives. The justices heard oral arguments on February 26, and a decision is expected to be forthcoming.