

## OKLAHOMA STATE E-MAIL MESSAGES QUESTIONED



The general counsel for the Oklahoma Employment Security Commission, John Miley, also happens to be the husband of a Supreme Court Justice in the state of Oklahoma, Noma Gurich. It is believed that Miley may have violated an ethics rule that has been put in place for the state. According to Miley, he does not feel as if he has violated any type of rule but does claim that if he could do things all over again, he would do them a bit differently. At the time, Miley used his e-mail account with the state agency when sending a message to a number of different legal advisers. During that time, he sent e-mail messages to the advisers in an attempt to try to get them to vote for his wife and other judges during the general election in November. In the e-mail message, Miley wrote, "Most voters turn to attorneys they know for guidance on how to vote in these areas." He also wrote, "Please spread the word to your family and friends that we need their vote for retention." Miley also sent the e-mail message during his working hours. It is for that reason that a number of lawyers who have gotten the e-mail message themselves have questioned whether or not Miley violated the anti-electioneering rule that has been set in the state of Oklahoma, banning the use of public time and funds as a means of influencing the elections. While some lawyers are questioning this behavior, Miley disagrees with the accusations. Miley, who is 53 years old, has said, "This was a nonpartisan retention election, so it's not really an election at all." He also said, "That ethics rule doesn't apply to this type of thing. ... There is no opponent. Sure, had I had a chance to do it all over again, I would do it differently. Whether it was legal or not, it's the perception and I would not want this agency or the state to have the perception that was going on. I certainly would not have done it in an election. I certainly would not do it for anything else." In the e-mail message, Miley did not make it clear that Gurich is, in fact, his wife. However, he claims that the vast majority of people that he sent the message to were already aware of the fact that she is his wife. Miley also said that his wife never asked him to send out the e-mail message to other people. Miley says, "I was not requested by any of the judges or justices on the list, she did not request me to do this. We did not talk about this."