

Law Firm Cooper & Kirk, Defending North Carolina's Gerrymandered Map In Supreme Court Case Moore v. Harper, Has Several Deep Ties To Justice Alito

SUMMARY: The Supreme Court is currently considering Moore v. Harper, a pending case on applying the “[debunked](#)” independent state legislature theory in North Carolina’s “[unconstitutional partisan gerrymanders](#).” The case has been called a “[grave threat to US democracy](#)” because it could undermine fair federal elections nationwide.

Law firm Cooper & Kirk [represents](#) North Carolina Speaker Timothy K. Moore and his co-applicants, who have advanced the gerrymandered map. An Accountable.US review revealed multiple troubling ties between the firm and Supreme Court Justice Samuel Alito, who appears not to have [recused](#) himself from the case as of mid-June 2023:

- Justice Alito is a longtime [friend](#) and former colleague of Cooper & Kirk’s “[hard-line conservative](#)” [Chairman and founding partner](#) Charles Cooper.
- Charles Cooper [recruited](#) Alito as his Deputy Assistant Attorney General during the Reagan Administration and “[remained friendly with](#)” Alito afterward.
 - In 2013, Cooper was pictured as he “[renewed friendships](#)” with Justice Alito’s wife, as well as Justice Clarence Thomas’ wife Ginni Thomas, at a Supreme Court Historical Society annual dinner where Justices Alito and Thomas were present. The same year, Cooper [argued](#) against same-sex marriage before the Supreme Court.
- In 2006, Charles Cooper, while with Cooper & Kirk, was on the “[murder boards, or preparation sessions](#)” for Alito’s Supreme Court nomination process.
- Cooper & Kirk partner [Megan Wold](#), one of the lawyers representing Timothy K. Moore et al., was a Supreme Court [law clerk](#) for Justice Alito.
- Cooper & Kirk and Charles J. Cooper have together given up to [\\$54,998](#) to the Federalist Society in 2021 alone. The Federalist Society is a “[powerhouse group](#)” known for its leader and right-wing court “[architect](#)” Leonard Leo, who “[played a crucial part](#)” in Alito’s nomination process.

Justice Samuel Alito Has Several Close Ties To Cooper & Kirk, The Law Firm Representing The Petitioners In Moore v. Harper, Which Has Been Called A “Grave Threat To US Democracy” And Could Undermine Fair Federal Elections.

Moore v. Harper Is A Pending Supreme Court Case On The “Debunked” Independent State Legislature Theory, Which Has Been Called A “Grave Threat To US Democracy” And Could Render State Courts And Constitutions “Powerless” Against Federal Election Rules Set By State Legislatures.

Moore c. Harper Is A Pending Supreme Court Case That Will Decide Whether The North Carolina Supreme Court May Strike Down An “Illegally Gerrymandered” Map Drawn By The State

Legislature—The Case Hinges Around The “Debunked” Independent State Legislature Theory That Would Render State Courts And Constitutions “Powerless” Over Federal Elections. “In Moore v. Harper, the Supreme Court will decide whether the North Carolina Supreme Court has the power to strike down the legislature’s illegally gerrymandered congressional map for violating the North Carolina Constitution. The legislators have argued that a debunked interpretation of the U.S. Constitution — known as the ‘independent state legislature theory’ — renders the state courts and state constitution powerless in matters relating to federal elections.” [Brennan Center for Justice, [08/04/22](#)]

- **February 2022: The North Carolina Supreme Court Struck Down The Gerrymandered Map As An “Egregious And Intentional Partisan Gerrymander.”** “In February 2022, the North Carolina Supreme Court agreed with the voters and struck down the map, describing it as an ‘egregious and intentional partisan gerrymander . . . designed to enhance Republican performance, and thereby give a greater voice to those voters than to any others.’” [Brennan Center for Justice, [08/04/22](#)]
- **April 2023: After The North Carolina Supreme Court Flipped To A Republican Majority In November 2022, The Court Reheard Moore v. Harper And Reversed Its Decision, Upholding The State’s “Unconstitutional Partisan Gerrymanders.”** “On November 8, 2022, the political composition of the North Carolina Supreme Court flipped to a Republican majority. Three months later, the court voted to re-hear Harper v. Hall, the case underlying Moore v. Harper. Notably, nothing had changed in the case — no underlying facts or circumstances — only the court’s composition. On April 28, 2023, the North Carolina supreme court reversed its ruling that the state’s redistricting maps were unconstitutional partisan gerrymanders. In Harper v. Hall, the court held that the state court does not have the power to decide partisan gerrymandering claims. The decision devastates North Carolina voters and democracy as it gives legislators nearly free reign to redistrict along partisan lines.” [League of Women Voters, [05/11/23](#)]
- **May 2023: The U.S. Supreme Court Ordered A Briefing On The Impact Of The North Carolina Supreme Court’s April 2023 Reversal, And The U.S. Supreme Court May Decide To Dismiss Moore v. Harper Or To Issue A Decision On The Constitutionality Of The Independent State Legislature Theory.** “On May 4, the US Supreme Court ordered briefing on the impact of the North Carolina supreme court’s decision on SCOTUS’s ability to hear Moore v. Harper. That briefing was filed on May 11, 2023. [...] The US Supreme Court can now decide to dismiss the case for lack of jurisdiction or still issue a decision on the constitutionality of the ISLT, which would have nationwide impact.” [League of Women Voters, [05/11/23](#)]

Moore v. Harper Has Been Called A “Grave Threat To US Democracy.” “Moore v. Harper is a grave threat to US democracy, and the fate of that democracy probably comes down to Amy Coney Barrett.” [Vox, [06/30/22](#)]

Alito Is A Longtime Friend And Colleague Of Cooper & Kirk’s “Hard-Line Conservative” Chairman And Founder Charles Cooper, Who Recruited Alito To A Senior Role In The Reagan Justice Department And Later Helped Alito Through His Supreme Court Confirmation.

Timothy K. Moore Et Al. Are Represented By Law Firm Cooper & Kirk, Whose Chairman And Founding Partner Charles Cooper Is Known As A “Hard-Line Conservative,”

Multiple Attorneys From Law Firm Cooper & Kirk PLLC Were Counsel For Timothy K. Moore Et Al. In Moore v. Harper, Including The Firm’s Managing Partner:

David H. Thompson
Counsel of Record
Peter A. Patterson
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Counsel for Applicants

[Supreme Court of the United States, [02/25/22](#)]

- **The Counsel Of Record Was Cooper & Kirk PLLC Managing Partner David H. Thompson, Who “Joined The Firm At Its Founding.”**



David H. Thompson

Managing Partner, Cooper & Kirk PLLC

[The Federalist Society, accessed [06/06/23](#)]

- **Thompson Joined Cooper & Kirk At Its Founding, And His Federalist Society Profile Touts His Working On Federal Cases On The District Court, Appellate Court, And Supreme Court Levels.** “David Thompson is the Managing Partner of Cooper & Kirk and joined the firm at its founding. Mr. Thompson has extensive trial and appellate experience in a wide range of matters and has secured victories worth billions of dollars. He has successfully challenged numerous laws on Second Amendment grounds. He has also litigated cases in over 30 federal district courts, argued in each of the 13 federal circuit courts of appeal, and argued before the U.S. Supreme Court, as well as many state courts.” [The Federalist Society, accessed [06/06/23](#)]

Cooper & Kirk’s Chairman And Founding Partner Is Charles J. Cooper, Known As A “Hard-Line Conservative.” [Cooper & Kirk, accessed [06/07/23](#)]

- **Charles Cooper Has Been Called A “Hard-Line Conservative.”** “At the Justice Department, Alito also became friendly with Charles Cooper, a hard-line conservative deputy in the Civil Rights Division. (In 2013, with Alito on the Supreme Court, Cooper argued against same-sex marriage.)” [The New Yorker, [08/28/22](#)]

Charles Cooper Recruited Alito As His Deputy Assistant Attorney General During The Reagan Administration, “Remained Friendly With” Alito Afterwards, And Helped Alito Through His Nomination Process In The Mid-2000s.

During The Reagan Administration, Justice Alito “Became Friendly With Charles Cooper, A Hard-Line Conservative Deputy In The Civil Rights Division” Who Urged Alito To Become His Deputy Assistant Attorney General For The Office Of Legal Counsel. “At the Justice Department, Alito also became friendly with Charles Cooper, a hard-line conservative deputy in the Civil Rights Division. (In 2013, with Alito on the Supreme Court, Cooper argued against same-sex marriage.)” [The New Yorker, [08/28/22](#)]

- **1985: While Charles Cooper Led The Justice Department’s Office Of Legal Counsel, He “Urged Alito To Become His Deputy”—When Alito Applied For The Position, He Wrote, “I Am And Always Have Been A Conservative And An Adherent To The Same Philosophical Views That I Believe Are Central To This Administration.”** “In 1985, Cooper was asked to lead the Justice Department’s Office of Legal Counsel, and he urged Alito to apply to become his deputy. Alito pursued the position, candidly declaring in a memo, ‘I am and always have been a conservative and an adherent to the same philosophical views that I believe are central to this administration.’ [...] Alito got the promotion.” [The New Yorker, [08/28/22](#)]
- **Alito Was The U.S. Justice Department’s Assistant To The Solicitor General From 1981 To 1985 And Its Deputy Assistant Attorney General From 1985 To 1987.** “Assistant to the Solicitor General, U.S. Department of Justice, 1981–1985, Deputy Assistant Attorney General, U.S. Department of Justice, 1985–1987” [Supreme Court Historical Society, accessed [06/07/23](#)]
- **Alito Was Deputy Assistant Attorney General For The Justice Department’s Office Of Legal Counsel.** “Charles J. Cooper, the assistant attorney general in charge of the Office of Legal Counsel, recruited him to become a deputy assistant attorney general.” [The New York Times, [11/01/05](#)]

Cooper “Remained Friendly” With Alito After The Reagan Administration, With Cooper Praising Alito As “John Roberts’s Equal” During Alito’s Supreme Court Nomination Process. “Mr. Cooper, who has remained friendly with Mr. Alito, said: ‘The power of his intellect is the most striking thing about him. I’d imagine there are about six lawyers in the country who are John Roberts’s equal, and Sam is one of them.’” [The New York Times, [11/01/05](#)]

2006: Charles Cooper, While Partner Of Cooper & Kirk, Was On The “Murder Boards, Or Preparation Sessions” For Alito’s Supreme Court Nomination Process. “The well-handled U.S. Supreme Court nominee is now a fixture in the political process, and much of the credit goes to those so-called murder boards, or preparation sessions for the Senate confirmation hearings. The lawyers participating on the murder boards represent a mix of government and nongovernment attorneys with backgrounds in the legal areas most likely to interest the senators. [...] Another participant was Charles J. Cooper, partner in Washington’s Cooper & Kirk, a former assistant attorney general at the helm of the Office of Legal Counsel in the Reagan Justice Department.” [Law.com, [01/26/06](#)]

2013: While Alito Was On The Supreme Court, Charles Cooper Argued Against Same-Sex Marriage. “At the Justice Department, Alito also became friendly with Charles Cooper, a hard-line conservative deputy in the Civil Rights Division. (In 2013, with Alito on the Supreme Court, Cooper argued against same-sex marriage.)” [The New Yorker, [08/28/22](#)]

2013: Charles Cooper Was Pictured As He “Renewed Friendships” With Justice Alito’s Wife As Well As Justice Clarence Thomas’ Wife At A Supreme Court Historical Society Annual Dinner Where Justices Alito And Thomas Were Present.

2013: Charles Cooper And His Wife Deborah Cooper “Renewed Friendships” With Justice Alito’s Wife Martha Ann Alito And Justice Clarence Thomas’ Wife Virginia “Ginni” Thomas At A “Black Tie Reception” Before The Supreme Court Historical Society’s Annual Dinner. “The traditional black tie reception and dinner started at 7 PM with the East and West Conference Rooms as the setting for the reception. The Annual Dinner was held in the Great Hall. When dinner was convened, Mr. Joseph gave a brief greeting and thanked the members of the Court for their participation.”



(Left to right) Mrs. Virginia Thomas, Trustee Charles Cooper, Mrs. Martha Ann Alito and Deborah Cooper renewed friendships during the Reception.

[Supreme Court Historical Society, [2013](#)]

- **Justice Alito’s Wife Is Named Martha-Ann.** “President George W. Bush looks on during the swearing-in ceremony for U.S. Supreme Court Justice Samuel A. Alito, Tuesday, Feb. 1, 2006 in the East Room of the White House, sworn-in by U.S. Supreme Court Chief Justice John Roberts. Alito's wife, Martha-Ann, their son Phil and daughter, Laura, are seen to the right.” [George W. Bush White House Archive, accessed [04/20/23](#)]

Justices Alito And Thomas And Five Other Supreme Court Justices Attended The Event. “The members of the Court who attended that evening were: Chief Justice Roberts, Justice Scalia, Justice Kennedy, Justice Thomas, Justice Ginsburg, Justice Breyer and Justice Alito.” [Supreme Court Historical Society, [2013](#)]

One Of The Firm’s Partners Working On Moore v. Harper Was Once Alito’s Clerk.

Cooper & Kirk Partner Megan Wold, One Of The Lawyers Representing Timothy K. Moore Et Al., Was A Supreme Court Law Clerk For Justice Alito.

Cooper & Kirk Partner Megan M. Wold, A Former Law Clerk For Justice Alito, Is One Of The Attorneys Representing Timothy K. Moore Et Al. In Moore v. Harper. “Megan M. Wold Partner, Cooper & Kirk [...] Ms. Wold served as a law clerk to Justice Samuel A. Alito of the U.S. Supreme Court and to Judge Jeffrey Sutton of the U.S. Court of Appeals for the Sixth Circuit.” [The Federalist Society, accessed [06/07/23](#)]

- **Megan M. Wold Was Also A Clerk For Judge Jeffrey Sutton Of The U.S. Court Of Appeals For The Sixth Circuit.** “Megan M. Wold Partner, Cooper & Kirk [...] Ms. Wold served as a law clerk to Justice Samuel A. Alito of the U.S. Supreme Court and to Judge Jeffrey Sutton of the U.S. Court of Appeals for the Sixth Circuit.” [The Federalist Society, accessed [06/07/23](#)]

Charles Cooper And Cooper & Kirk Have Given Tens Of Thousands Of Dollars To The Federalist Society, Whose Leader Leonard Leo “Played A Crucial Part” In Alito’s Confirmation.

Cooper & Kirk And Charles J. Cooper Have Together Given Up To \$54,998 To The Federalist Society In 2021 Alone—The Federalist Society Is A “Powerhouse Group” Known For Its Leader And Right-Wing Court “Architect” Leonard Leo, Who “Played A Crucial Part” In Alito’s Nomination Process.

In 2021, The Latest Year For Which The Federalist Society’s Annual Report Is Available, Cooper & Kirk PLLC Appeared As A “Madison Club Silver” Benefactor, Giving The Group \$25,000-\$49,999:

Madison Club Silver

\$25,000-\$49,999

[...]

Cooper & Kirk PLLC

[The Federalist Society, [2021](#)]

Also In 2021, Charles J. Cooper Was A “Madison Club” Benefactor For The Federalist Society, Giving The Group \$1,000-\$4,999. [The Federalist Society, [2021](#)]

Leonard Leo “Played A Crucial Part” In Samuel Alito’s Supreme Court Nomination Process. “During the Administration of George W. Bush, Leo also played a crucial part in the nominations of John Roberts and Samuel Alito. Now that Gorsuch has been confirmed, Leo is responsible, to a considerable extent, for a third of the Supreme Court.” [The New Yorker, [04/10/17](#)]

Leonard Leo, Co-Chairman And Former Executive Vice President Of “Right-Wing Powerhouse Group The Federalist Society,” “Helped Fuel The Rise Of Five Of The Six Republican Supreme Court Justices” And Has Been Called “The Quiet Architect Of A Pivotal Shift To The Right Throughout The Federal Judiciary.” “The 90-year-old was said to have gifted \$1.65 billion to a conservative nonprofit fronted by Leonard Leo, the cochairman of the right-wing powerhouse group The Federalist Society. Leo helped fuel the rise of five of the six Republican Supreme Court justices, as ProPublica noted, and has helped fund fights over abortion rights, voting laws, and other conservative causes.” [Insider, [08/26/22](#)]

- **Leonard Leo Has Been “The Quiet Architect Of A Pivotal Shift To The Right Throughout The Federal Judiciary” And The Federalist Society’s “Roughly 70,000 Members Represent A Vast Web Of Conservative Legal Power.”** “As executive vice president of the Federalist Society, Leo has been the quiet architect of a pivotal shift to the right throughout the federal judiciary. He was still at Cornell Law School in 1989 when he joined the society, a network of fresh legal minds who believed limited government was the best way to protect freedom and personal liberty. Today, under Leo’s leadership, the group’s roughly 70,000 members represent a vast web of conservative legal power.” [Politico Magazine, [2018](#)]
- **As Of 2018, Leonard Leo Was Executive Vice President Of The Federalist Society.** “Leonard Leo [...] Executive vice president, Federalist Society [...] © 2018 POLITICO LLC” [Politico Magazine, 2018]
- **In 2020, Leo “Stepped Away From His Day-To-Day Role At The Federalist Society” To Run The Concord Fund, The “Rebranded” Judicial Crisis Network.** “In early 2020, Leo stepped away from his day-to-day role at the Federalist Society, the national conservative lawyers group, to help steer the Concord Fund. Between mid-2019 and mid-2020, the Concord Fund paid \$1.6 million to a company affiliated with Leo called BH Group, LLC. Leo and his allies rebranded the Judicial Crisis Network as the Concord Fund, turning it into a social welfare organization that fiscally sponsors other organizations.” [The Daily Poster, [06/29/21](#)]