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Beasley Allen Wants Talc DQ Paused Pending High Court Appeal

By **Jonathan Capriel**

Law360 (February 11, 2026, 4:44 PM EST) -- Hundreds of women who claim their ovarian cancer was caused by Johnson & Johnson's talcum powder risk appearing in an upcoming trial without their preferred counsel from the Beasley Allen Law Firm, unless a New Jersey state court stays an order disqualifying the firm, it said.

Beasley Allen urged the Atlantic County Superior Court to delay issuing an order ejecting it from the case while it seeks review from the New Jersey Supreme Court, according to its **motion** filed Tuesday.

Without a stay, Beasley Allen argues that its 435 clients, which it has served for nearly a decade, will suffer irreparable harm. Specifically, their counsel would be ripped away just two months ahead of the first bellwether trial, the motion said. Finding alternative counsel equal in experience would be impossible, and many of the women would likely die before a suitable replacement was found, it said.

"There have been 18 ovarian cancer case trials in the last 10 years and Beasley Allen has tried 16 of [them]," the motion said.

"Beasley Allen has invested well over 50,000 hours in this litigation. Arranging substitute counsel will be a monumental and time-consuming challenge. Let's not forget that the delay for ovarian cancer victims, unfortunately, means that many will not live to have their day in court," it said.

Last week, a state appellate court ordered Beasley Allen to be disqualified after finding it violated state rules of professional conduct because it associated with an attorney who previously represented J&J in similar litigation. But the firm argues the court made a legal error and that the state supreme court is very likely to reverse the decision.

The first bellwether trial is set for April 13.

J&J moved to disqualify Beasley Allen in 2024 after learning that James Conlan, a former Faegre Drinker Biddle & Reath LLP attorney who billed 1,600 hours on talc strategy, had collaborated with Andy Birchfield of Beasley Allen.

Conlan had launched a company, Legacy Liability Solutions, that would acquire mass-tort liabilities and manage them outside of bankruptcy, according to the court record. J&J's motion claimed he and Birchfield worked together to push a \$19 billion resolution plan directly adverse to J&J's preferred bankruptcy plan. The company claimed knowledge gained from Conlan's time working for J&J made any association with Beasley Allen unacceptable.

But Beasley Allen said in its motion that Conlan did not share inside information about other talc related settlements or negotiations.

The trial court **denied** J&J's motion in July 2024, saying disqualification can't be based on a former attorney acting in a nonlawyer capacity when meeting for business proposals. Notably, the court found that Beasley Allen's involvement with Conlan was above board because it "never employed" him.

But a three-judge panel reversed that decision, finding that Beasley Allen and Conlan violated Professional Conduct Rule 5.3 because they worked together for months for the same common purpose — to resolve the talc claims — and that the settlement proposal is the same matter that Conlan worked on as counsel for J&J. The panel specifically rejected the lower court's finding that employment had to take place to violate Rule 5.3, saying the firm working with him met the definition of "associated."

Beasley Allen argues the appellate court committed legal error by expanding the definition of "associated" beyond its plain meaning.

"The Appellate Division's decision used the broadest possible analysis of the phrase 'associated' rather than looking at the origin of associated the context of proscriptive ethics rules," it said.

Beasley Allen argued that allowing the appellate decision to stand would prevent any attorney from meeting with settlement consultants or other entities for fear of being disqualified.

"That would chill candid mediation communications and undermine court-ordered mediation in complex litigation," the firm said.

Counsel for the parties did not respond to requests for comment Wednesday.

Birchfield and Beasley Allen are represented by Jeffrey M. Pollock of Pollock Law LLC.

The J&J parties are represented by Peter G. Verniero of Sills Cummis & Gross PC, Stephen D. Brody of O'Melveny & Myers LLP, and Susan M. Sharko of Faegre Drinker Biddle & Reath LLP.

The case is In re: Talc-Based Powder Products Litigation, case number A-000215-24, in the Superior Court of the State of New Jersey, Appellate Division.

--Additional reporting by George Woolston, Emily Sawicki, Jack Karp, Carla Baranauckas, Carolina Bolado, Jake Maher and Rose Krebs. Editing by Adam LoBelia.

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