

Beasley Allen Talc Work Sends 'Bad Signal,' J&J Says

By **George Woolston**

Law360 (January 13, 2026, 4:09 PM EST) -- Johnson & Johnson's talc unit told a New Jersey appeals panel on Tuesday that a lower court's ruling permitting Beasley Allen Law Firm attorneys to represent plaintiffs in multicounty litigation over its talc-based baby powder "sends a very bad signal" to the state bar.

J&J and LLT Management argued that the state appellate court should overturn the July 2024 **decision** because former Faegre Drinker Biddle & Reath LLP lawyer James Conlan shared confidential information he learned while representing the company in earlier talc litigation with Beasley Allen and attorney Andy Birchfield.

That conduct violates New Jersey's Rules of Professional Conduct, specifically RPC 5.3, said Peter G. Verniero of Sills Cummis & Gross PC, counsel for J&J.

Verniero asserted that Conlan had helped the plaintiffs and was in an adverse position to his former client, and that, had he been acting as an attorney at the time of the collaboration, he would have violated RPC 1.9, and that conduct was approved by Beasley Allen.

"Standing alone, those facts warrant the disqualification of the Beasley firm," Verniero said during oral argument on Tuesday.

In addition to the ethics violation, Verniero said, there is a broader policy argument that if the lower court's decision is not reversed, it "sends a very bad signal to the bar that through the guise of a business association and a close collaboration with an adversary, you can team up and work against the interests of your former client."

"Our legal system cannot function if a lawyer for one side is permitted to collaborate or partner with lawyers on the other side on the same matter involving the same issues and claims," Verniero said.

Beasley Allen asserted that the fact in question that the lower court ruled on was whether or not Conlan shared any confidences with the firm — not that he violated RPC 5.3. There is nothing in the record to suggest that he disclosed any confidential information, said Jeffrey M. Pollock of Pollock Law LLC.

Under the 2011 New Jersey Supreme Court ruling in **O Builders and Associates Inc. v. Yuna Corp. of NJ**  , a motion to disqualify must be based on evidence in the record, Pollock argued.

"Johnson and Johnson had a choice. If they want to demonstrate that Mr. Conlan had, in fact, shared information, they needed to prove it," Pollock said. "If you want to show collaboration, conspiracy, association, you have to prove it, because these applications are disfavored. To accept Peter Verniero's analysis, you would be inverting the rule."

J&J has been pushing for Beasley Allen's disqualification since December 2023. During a March 2024 plenary hearing on its disqualification motion, the company's vice president of litigation Erik Haas **testified** that he was "utterly shocked and appalled" to learn the plaintiffs' counsel was working with Conlan. Haas had testified that he worked closely with Conlan while he served as outside counsel for J&J from 2020 through March 2022, communicating with him directly to discuss the strategy for litigating the talc cases in New Jersey federal and state courts.

Conlan left Faegre Drinker in March 2022 to co-found Legacy Liability Solutions. Beasley Allen and

Birchfield have argued that J&J is blaming them for the company twice failing to address thousands of talc injury claims through a Chapter 11 filing, and that Conlan has never shared any confidential or privileged information to them.

Beasley Allen is among the firms representing plaintiffs in New Jersey state court multicounty litigation and federal court multidistrict litigation, accusing J&J of producing talc-based baby powder that caused ovarian cancer. J&J is also pursuing disqualification in federal court, asking U.S. Magistrate Judge Rukhsanah L. Singh of the District of New Jersey to boot the firm from the district court case. In July, the magistrate judge **denied** J&J's bid to remove the firm from the plaintiffs steering committee in the multidistrict talc litigation but directed the plaintiffs steering committee to select another firm to lead settlement discussions.

Atlantic County Superior Court Judge John Porto denied the motion in July 2024, holding that, without evidence showing Conlan shared confidential information, he cannot remove them from the case. The judge found that, while both parties did not dispute Conlan was privy to privileged and confidential information, Conlan "is not a so-called side-switching attorney; he does not represent any MCL plaintiff and was never hired as an attorney at Beasley Allen."

Conlan "saw a business opportunity to offer a proposal for the possible resolution of the talc litigation and began his efforts to 'promote' that proposal to J&J, and then later to Birchfield, using structural optimization and disaffiliation rather than bankruptcy," the judge said in his ruling.

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

J&J and LLT 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 multicounty litigation is In re: Talc-Based Powder Products Litigation, case number A-000215-24, in the Superior Court of New Jersey, Appellate Division.

--Additional reporting by Emily Sawicki, Jack Karp, Carla Baranauckas, Carolina Bolado, Jake Maher and Rose Krebs. Editing by Dave Trumbore.