

Litigation

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Deep Dive

Beasley Allen Ethics Showdown Rattles J&J Talc Litigation

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- Lawyers are preparing for bellwether ovarian cancer trials against Johnson & Johnson, but a plaintiff firm's ethics issue is testing litigation management for roughly 70,000 cases.
- Beasley Allen, co-lead counsel for the federal multidistrict litigation, was disqualified from 435 cases in New Jersey state court due to its association with a former J&J lawyer, James Conlan.
- The disqualification could delay initial trials or potentially edge the overall litigation closer to universal settlement, with some lawyers saying they are prepared to move on without Beasley Allen and others downplaying the impact of losing the firm.

Lawyers nationwide are gearing up for bellwether ovarian cancer trials against Johnson & Johnson this year, but a plaintiff firm's ethics quagmire is testing litigation management for roughly 70,000 cases in novel ways.

Beasley Allen, co-lead counsel for the sprawling federal multidistrict litigation over allegedly tainted talc products, was on a hot streak. It's won two trials in recent months against J&J after the pharma giant's third failed effort to force a mass settlement in bankruptcy, setting the stage for further trial verdicts where the New Jersey-based health company has already lost billions.

Then last month, the Alabama-based firm's preparation for three of the six bellwether federal litigants nearing trial was undercut by a novel ruling disqualifying the firm from 435 of the roughly 2,700 cases in New Jersey state court—called multicounty litigation—raising questions about past verdicts, key experts, and who could represent the firm's thousands of clients in the federal cases if courts apply that disqualification nationwide.

Key players and experts wonder whether the fallout could delay initial trials, or potentially edge the overall litigation closer to universal settlement due to the jettisoning of one of the loudest voices against resolution through bankruptcy.

"Clearly J&J thinks this is a worthwhile thing to scream and jump around about, which tells you something about whether they are more willing to play with the remaining firms," said complex litigation researcher and University of Georgia Law School Professor Elizabeth Chamblee. "They clearly see Beasley as a hindrance."

The US District Court for the District of New Jersey has scheduled a Tuesday conference to discuss J&J's call to toss Beasley Allen from thousands of cases due to "association" with former J&J lawyer James Conlan in mediation.

Beasley Allen says it's been integral to the overall litigation.

The firm's attorney in this ethics dispute, Jeffrey Pollock of Pollock Law, said in a federal brief that disqualifying it "based on a single state appellate court's unprecedented expansion of an ethics rule would disrupt coordinated leadership, impair settlement negotiations, and prejudice litigants who have relied on their chosen counsel for the better part of a decade."

While some fellow trial lawyers see losing the firm as a big blow to the collective, others say they're prepared to move on—and one insists it can easily take over Beasley Allen's cases.

'Switching Sides'

J&J argues Conlan, a former restructuring counselor who spent hundreds of hours representing the company before leaving to start a mass torts settlement consultancy, "switched sides."

A New Jersey appeals court found that collaboration in a mediation between Beasley Allen and Conlan violated a rule—one that all states have adopted in some form—limiting "assistance" from nonlawyers with conflicts in a case.

That assistance, even without proof of the prior lawyer sharing confidential secrets, can disqualify a firm.

"Conlan's prolonged access to J&J's privileged information, followed by collaborative efforts with its most prominent adversary, leaves us with clear concern for the preservation of trust intrinsic to the attorney-client relationship," the court said.

In a February hearing urging a disqualification pause while Beasley Allen seeks reversal from the New Jersey Supreme Court, Pollock said a decision like this hasn't been reached anywhere else.

J&J's lawyer Peter G. Verniero, a former New Jersey Supreme Court justice now with Sills Cummis & Gross PC, said demanding proof of a shared secret would eviscerate ethics protections against collusion. The company is leaning into its win, saying a Beasley Allen exit could get the litigation closer to a deal—something Beasley Allen fought when it meant going through bankruptcy.

"Beasley Allen's disqualification for its egregious ethical violations should facilitate—not impede—the progress of this proceeding," Erik Haas, J&J's worldwide vice president of litigation, said in a statement.

MDL Impact

If Beasley Allen is disqualified from the MDL, the fallout could be tough on other plaintiff firms, some attorneys involved in the litigation said.

For 10 years Beasley Allen has taken the lead on developing trial testimony experts, taking depositions, and gathering evidence for use by all plaintiffs to litigate talc personal injury cases, said attorney David Selby of Bailey & Glasser LLP.

"The impact is just enormous," Selby said. "All of that has been organized and run by Beasley Allen."

One of Beasley Allen's co-counsel is fine with ditching the firm: Allen Smith, a lawyer who has been jointly representing clients with the firm. He informed the court that he's capable of moving forward with their thousands of cases on his own.

Mississippi-based Smith Law Firm and Beasley Allen had a public falling out over Smith's support to settle their more than 11,000 joint cases when J&J launched its third bankruptcy gambit in 2024, as both firms accused the other of betraying their clients' interests. Beasley Allen has sued Smith, accusing the joint venture partner of failing to pay its share of litigation expenses as it racked up more than \$240 million in litigation funding debt.

Smith didn't respond to a request for comment. But other lawyers, such as James Onder, whose firm Onder Law represents roughly a quarter of ovarian cancer patients suing J&J, also downplayed the impact of losing Beasley Allen.

"There's a lot of good lawyers ready to step to the plate and take over and handle cases," he said. He added that Ashcraft & Gerel, which has long served as co-lead in the MDL, is a "really good firm."

An Ashcraft & Gerel attorney didn't respond to a request for comment.

The potential loss of Beasley Allen will only be felt acutely by firms that "don't know how to work up their own experts," said plaintiffs' attorney Majed Nachawati of Nachawati Law Group.

"We're going to go forward with our cases," said Nachawati, who represents more than 4,000 talc plaintiffs and is gearing up for two trials. "We don't need MDL leadership to try our cases for us."

The multidistrict litigation case is Johnson & Johnson Talcum Powder Prod. Mktg., Sales Pracs. and Prod. Liab. Litig. , D.N.J., No. 3:16-md-02738, case management conference 3/3/26 .

To contact the reporters on this story: Alex Ebert in Madison, Wis. at aebert@bloombergindustry.com; Alex Wolf in New York at awolf@bloomberglaw.com

To contact the editors responsible for this story: Alex Clearfield at aclearfield@bloombergindustry.com;
Maria Chutchian at mchutchian@bloombergindustry.com

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