

## Beasley Allen Fights DQ Order: ‘You Need to Hit Pause for Now’

U.S. Magistrate Judge Rukhsanah Singh has set a Feb. 24 hearing on whether to disqualify Beasley Allen, one of the lead plaintiffs’ firms, from the talc multidistrict litigation against Johnson & Johnson.

February 19, 2026 at 07:30 PM By  **Amanda Bronstad**

### What You Need to Know

- U.S. Magistrate Judge Rukhsanah Singh ordered supplemental briefs after a New Jersey appeals court ruled that Beasley Allen should be disqualified.
- Johnson & Johnson has asked Singh to replace Beasley Allen, whose principal Leigh O’Dell is co-lead counsel in the talc multidistrict litigation, with attorney R. Allen Smith.
- Beasley Allen has asked Atlantic County Superior Court Judge John Porto to temporarily stay its disqualification to give time for a petition before the New Jersey Supreme Court.



Beasley Allen Office Sign. Courtesy photo.

A federal judge in New Jersey plans to hear arguments next week on whether to disqualify Beasley Allen, one of the lead plaintiffs' firms, from the talcum powder multidistrict litigation against Johnson & Johnson.

In a Feb. 9 order, U.S. Magistrate Judge Rukhsanah Singh, of the District of New Jersey, ordered supplemental briefing after a New Jersey appeals court found that [Beasley Allen should be disqualified](#) from talc lawsuits because principal Andy Birchfield had partnered with a former Johnson & Johnson attorney to negotiate a proposed \$19 billion settlement. Beasley Allen, which claims to represent 435 women in New Jersey state courts, and 5,500 in the multidistrict litigation, has argued to hold off the disqualification to give time to appeal the New Jersey Appellate Division's Feb. 6 order to the New Jersey Supreme Court.

"My view is, judge, you need to hit pause for now—just briefly," Jeffrey Pollock, of Pollock Law in Trenton, New Jersey, told Law.com for Birchfield and Beasley Allen. "The reason being is let's assume that the appellate division agrees with me, and the Supreme Court agrees with me that Beasley Allen is not out. You rearrange all the deck chairs in the MDL because we're out, then have to do it all over again."

Johnson & Johnson, however, has suggested replacing Beasley Allen, whose principal Leigh O'Dell serves as co-lead counsel in the multidistrict litigation, with R. Allen Smith, of The Smith Law Firm, who obtained the first-ever talc verdict in 2013.

"In fact, in the majority of the Beasley Allen cases that have proceeded to trial since the inception of the litigation, Allen Smith served as lead trial counsel, devising the trial strategy, taking the examinations of nearly all experts, and handling nearly all openings and closings," Johnson & Johnson attorney Kristen Fournier, of Kirkland & Ellis in New York, wrote in a Thursday letter to Singh. "As such, the disqualification of Beasley Allen should not cause significant disruption to Beasley Allen's clients (or this MDL) as one of their current attorneys, with significant trial experience and access to expert resources, can continue to represent them."

A Johnson & Johnson representative declined to comment.

Attached to its letter was a Feb. 15 certification by Smith, filed in Atlantic County Superior Court, where 2,700 talc cases are pending, in which he stated he was lead trial counsel in 11 of the 16 talc trials that Beasley Allen had handled.

"There is no need to 'secure substitute counsel' to replace Beasley Allen, nor is there any risk that denial of a stay of Beasley Allen's disqualification will 'irreparably prejudice' the talc clients," he wrote. "I, through SLF [Smith Law Firm] will continue to represent the talc clients without disruption or prejudice."

Smith also filed a motion on Thursday on behalf of one of their purported joint clients, Aletha Wilson, who was diagnosed with uterine cancer in 2009, supporting Johnson & Johnson.

Smith did not respond to a request for an interview.

Singh set a Feb. 24 hearing on the matter.

## **‘Real and Potentially Irreversible’ Disruption in Talc Leadership**

At issue is Birchfield’s relationship with James Conlan, a former attorney at Faegre Drinker Biddle & Reath who founded Legacy Liability Solutions LLC in 2022. Birchfield and Conlan partnered on attempting to negotiate a global talc settlement, though Johnson & Johnson refused those efforts.

In 2024, Atlantic County Superior Court Judge John Porto, after three days of evidentiary testimony, also overseen by Singh, found Beasley Allen should not be disqualified because Conlan, who was no longer a practicing attorney, never shared confidential information with Birchfield and was not associated with or employed by the firm.

But the appeals court concluded that New Jersey’s Rules of Professional Conduct 5.3, which outlines the rules for nonlawyers “employed or retained by or associated with a lawyer,” does not define what it means for a lawyer to be “associated” with a nonlawyer. Having found an association, the panel concluded Beasley Allen’s relationship with Conlan violated New Jersey’s Rules of Professional Conduct.

The reversal comes as the first talc trial in New Jersey state courts is set for April 13. The talc multidistrict litigation, which also focuses on ovarian cancer claims, is planning for its first bellwether trial later this year.

O’Dell and Birchfield have led ovarian cancer trial teams against Johnson & Johnson over the past year. Birchfield and Dan Robinson, of Robinson Calcagnie, in Newport Beach, California, [won a \\$40 million verdict](#) on Dec. 12 in Los Angeles Superior Court, in the first bellwether trial among the California state court talc cases against Johnson & Johnson. On Feb. 13, O’Dell won a [\\$250,000 verdict](#) in a talc trial in the Philadelphia Court of Common Pleas.

The potential disruption to the existing talc cases would be “real and potentially irreversible,” Pollock wrote in a Thursday motion, noting that Beasley Allen represents three of the six bellwether plaintiffs teed up for trials in the multidistrict litigation, which involves 67,000 talc cases.

“Disqualifying nationally selected MDL co-lead counsel 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,” Pollock wrote in a Thursday motion.

As to the multidistrict litigation, Johnson & Johnson, pushing for disqualification, cited a joint venture agreement between Montgomery, Alabama’s Beasley Allen and the Smith Law Firm, based in Ridgeland, Mississippi, that would alleviate much of the disruption caused by the disqualification order. The firms share 11,000 talc clients.

Both [Beasley Allen](#) and the Smith Law Firm have sued one another over the joint venture agreement, which came up [during a 2025 hearing](#) on whether to dismiss the third talc bankruptcy filed by a Johnson & Johnson subsidiary. U.S. Bankruptcy Judge Christopher Lopez, of the Southern District of Texas, [dismissed that Chapter 11 case](#), citing “significant voting and solicitation irregularities” as to the proposed \$10 billion bankruptcy plan.

“Smith is in massive litigation because, as Johnson & Johnson alleges, he owes over \$240 million to litigation funders,” Pollock said. Smith entered into an agreement with Johnson & Johnson during the third talc bankruptcy in which it would provide votes in favor of the Chapter 11 plan in exchange for money put aside to pay back litigation funders, he said.

“This is all going to be front and center: the fact that Smith has no team in New Jersey, no team at all in the MDL, and he’s got massive litigation, and lastly, the critical question I would ask is, why is Johnson & Johnson pushing Mr. Smith?” Pollock said. “And the reason is simple: they believe they can control Smith and get a settlement Johnson & Johnson likes.”

Pollock also questioned applying a New Jersey ethics decision to thousands of plaintiffs who don’t live in New Jersey.

“No one in the country has ever adopted a rule the New Jersey Appellate Division just adopted,” he said. “There are no New Jersey plaintiffs in the New Jersey MDL. All the people are from other jurisdictions, and all jurisdictions that don’t follow the rule the appellate division just adopted.”

On Feb. 9, Porto, on remand, ordered Beasley Allen disqualified. But Beasley Allen, the next day, sought a temporary stay of that order while petitioning the New Jersey Supreme Court. Johnson & Johnson opposed the move, insisting in a Monday brief that the district court doesn’t have jurisdiction.

Beasley Allen’s conduct “violated the integrity of our legal system as a whole,” wrote former New Jersey Supreme Court Justice Peter Verniero, of Newark, New Jersey’s Sills Cummis & Gross,

joined by Fournier; Jessica Brennan, of Barnes & Thornburg in Morristown, New Jersey; and Steve Brody of O'Melveny & Myers in Washington, D.C.

“By disqualifying the firm, the Appellate Division repaired some of that harm and restored this case to a proper ethical footing,” he wrote. “The public confidence in the integrity of the bar would, once again, be shaken if this court were to allow Beasley Allen to participate in these coordinated proceedings.”

Porto scheduled arguments for Friday.

“We’ll want a final ruling on the merits,” Pollock said. “I’m confident we’ll prevail.”

**Page printed from:** <https://www.law.com/njlawjournal/2026/02/19/beasley-allen-fights-dq-order-you-need-to-hit-pause-for-now/print/>

---

**NOT FOR REPRINT**

© 2026 ALM Global, LLC, All Rights Reserved. Request academic re-use from [www.copyright.com](http://www.copyright.com). All other uses, submit a request to [asset-and-logo-licensing@alm.com](mailto:asset-and-logo-licensing@alm.com). For more information visit [Asset & Logo Licensing](#).