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Beasley Allen Can't Halt DQ Ruling In J&J Talc Litigation

By **George Woolston**

Law360 (March 20, 2026, 4:29 PM EDT) -- A New Jersey state appeals court has refused to pause its decision disqualifying the Beasley Allen Law Firm from representing plaintiffs in multicounty litigation over Johnson & Johnson's talc-based baby powder, according to a court order.

The New Jersey Appellate Division on Thursday denied the firm's motion to stay its Feb. 6 **decision** disqualifying Beasley Allen from the multicounty litigation and the trial court's Feb. 9 order implementing the decision, as well as its motion for leave to appeal the trial court's Feb. 20 order **denying** the stay of its Feb. 9 order.

"Having reviewed the record and applying these factors to Beasley Allen's motion, we conclude they failed to demonstrate entitlement to relief. To have Beasley Allen litigate cases in our trial courts when they have been disqualified would not be in the interest of justice," Appellate Judge Mark K. Chase said.

It's the second time the Appellate Division has denied Beasley Allen's attempt to pause its Feb. 6 decision: The firm previously sought approval to file an emergent motion to stay the trial court's Feb. 20 order, which the appeals court denied because it should not have sought relief from the trial judge regarding a decision issued by the appellate court.

Erik Hass, worldwide vice president of litigation for J&J, said in a statement Friday that the company appreciates the ruling.

"We appreciate the court's swift disposition of this matter yet again affirming that Beasley Allen's actions are disqualifying. The facts are as troubling as they are clear: Beasley Allen engaged in unethical conduct against the interests of all claimants for its own financial gain," Haas said.

Counsel for the firm said in a statement Friday that it believes the New Jersey Supreme Court will grant its petition for certification to review the decision.

"The Rules of Professional Conduct and their misapplication in the Appellate Division's opinion [raises] issues of public importance. We believe the Supreme Court of New Jersey will hear this matter, it will consider it earnestly, and it will reverse and reinstate the trial court's opinion. We look forward to being vindicated and having the trial court's thoughtful credibility based analysis reinstated," Jeffrey Pollock said.

J&J **argued** in opposition to the petition for certification earlier this month, asserting that granting the firm leave to appeal to the high court is unnecessary because the firm cannot show it will be irreparably harmed if such an appeal is not granted.

J&J has been fighting since 2023 to remove the firm from representing 435 clients who claim in the multicounty litigation that their ovarian cancer was linked to J&J talc-based baby powder, accusing firm attorney Andy Birchfield of having worked with former Faegre Drinker Biddle & Reath LLP lawyer James Conlan, a onetime J&J outside counsel, on the case.

Conlan had worked closely with Haas as outside counsel in the talc litigation, billing 1,600 hours on the sprawling case before departing Faegre Drinker to establish his own company, J&J argued.

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.

Atlantic County Superior Court Judge John Porto **sided** with Beasley Allen in July 2024, holding that, without evidence showing Conlan shared confidential information, he could not remove the firm from the case. While neither party disputed that Conlan was privy to privileged and confidential information, he "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," the judge said.

J&J appealed, and in February, an appellate panel reversed Judge Porto's ruling, disqualifying Beasley Allen. The panel found that "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."

A similar disqualification motion remains pending in the separate but concurrent federal multidistrict litigation. Earlier this month, a New Jersey federal judge ordered the parties to meet and confer before the special master about "whether alternative counsel to Beasley Allen should be made available" amid discovery while the motion is pending.

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, Jessica L. Brennan of Barnes & Thornburg LLP and Stephen D. Brody of O'Melveny & Myers LLP.

The multicounty litigation appeal is In re: Talc-Based Powder Products Litigation, case number 091773, in the Supreme Court of the State of New Jersey.

--Additional reporting by Emily Sawicki and Jonathan Capriel. Editing by Linda Voorhis.