

Litigation

NJ Justices Refuse Beasley Allen Return to J&J Talc Cases (1)

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Summary by Bloomberg AI

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- The New Jersey Supreme Court has denied Beasley Allen's appeal to let the firm back into the Johnson & Johnson talc litigation in state court, upholding the firm's disqualification due to an ethics breach.
- The disqualification stems from meetings Beasley Allen had with a prior J&J attorney to offload talc liabilities, which was likened to a lawyer associating with an opponent lawyer who switched sides.
- The ruling shuts Beasley Allen out of hundreds of cases in the state's multicounty litigation process and may impact the firm's ability to fight against a similar disqualification in the federal multidistrict litigation.

The New Jersey Supreme Court has denied Beasley Allen's appeal to let the firm back into the massive Johnson & Johnson talc litigation in state court, letting stand the firm's novel ethics breach disqualification.

The ruling, docketed Friday but signed by Chief Justice Stuart Rabner Monday, shuts Beasley Allen out of hundreds of cases in the state's multicounty litigation process against J&J in litigation alleging the company's talc products are responsible for causing ovarian cancer.

The order also dampens the Alabama-based firm's ability to fight against a similar disqualification in the broader federal multidistrict litigation in New Jersey, where it was recently disqualified from roughly 11,000 cases.

The disqualification stems from meetings the firm had with a prior J&J attorney in an effort to avoid the medical product maker's bankruptcy by offloading talc liabilities on a consulting business that would defend the cases. The state appeals court and a federal magistrate likened those talks to a lawyer associating with an opponent lawyer who switched sides—an ethical breach where disqualification was the best remedy.

Law school professors teaching ethics told the New Jersey Supreme Court that this was a novel ruling unlike any previously reached by any US court.

The New Jersey Supreme Court has exclusive jurisdiction over the rules that govern lawyer behavior, and the justices' refusal to take the case "will have significant impact not only for Beasley Allen's clients and Beasley Allen, but for litigation in New Jersey for years to come," Beasley Allen's attorney in these ethics matters, Jeffrey M. Pollock, said in a text message.

"As both federal and state courts have affirmed, Beasley Allen's continued participation in the litigation would have impugned the very integrity of the judicial system," Erik Haas, J&J's worldwide vice president of litigation said in a statement. "Today's decision reinforces that no law firm is above, nor may willfully disregard with impunity, the rules that safeguard our legal system."

Beasley Allen principal Andy Birchfield issued a statement saying the firm will continue to represent women outside New Jersey and the MDL, where roughly 70,000 cases are centralized.

"Obviously, we disagree with the court but respect its decision," Birchfield said. "It's an honor to represent these women and their families, and we will do all that we can to ensure J&J is held accountable for the harm caused by its asbestos-laden baby powder."

The case is *In re Talc Based Powder Products Litig.*, N.J., No. 091773, appeal denied 4/6/26.

(Updated with comments from Beasley Allen and its ethics counsel, as well as context from the firm's backers urging rehearing.)

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