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Johnson & Johnson Gets Beasley Allen Tossed From Talc Cases (2)

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- A federal court has disqualified Beasley Allen, a leading trial firm, from the talc litigation against Johnson & Johnson, in which customers claim J&J talc products caused their ovarian cancer.
- The decision was made after J&J requested disqualification, citing Beasley Allen's meeting with a former J&J lawyer, James Conlan, which the company said was tantamount to a lawyer switching sides.
- Beasley Allen is fighting the decision, having filed an appeal in the New Jersey Supreme Court, and arguing that the firm's association with Conlan did not violate the rules of professional conduct.

Beasley Allen, one of the leading trial firms taking on Johnson & Johnson in the sprawling multi-district talc litigation, has been disqualified by a federal court.

Thursday's ruling from a New Jersey federal magistrate judge removes the Alabama-based firm from the litigation, in which customers claim J&J talc products are responsible for their ovarian cancer.

The decision sprang from a request from J&J after **Beasley Allen** met with a former lawyer for the medical products company in a mediation which the company said was tantamount to a lawyer switching sides.

Beasley Allen was disqualified from hundreds of New Jersey-based state court cases in February.

"Disqualification is a remedy courts are not quick to administer," US District Court for the District of New Jersey Magistrate Judge Rukhsanah L. Singh said in her opinion. "Yet, there are moments when it is necessary when balancing the equities and interests. This is such a moment."

'Above Reproach'

Singh's ruling, like the New Jersey state decision, found that **Beasley Allen** associated with James Conlan, a former J&J attorney that worked on the company's efforts to resolve the talc litigation through bankruptcy.

The company attempted multiple times to separate itself from these liabilities, but had those efforts rejected. **Beasley Allen**, one of the firms leading the plaintiffs committee steering the roughly 70,000 talc cases, opposed bankruptcy attempts and collaborated with Conlan in an effort to find an alternative route.

The idea: a consulting firm Conlan ran could take on the liabilities and several billion dollars to fight the claims. J&J rejected the strategy from its former lawyer and sought to have **Beasley Allen** disqualified for “associating” with the former J&J lawyer who was involved in high-level confidential discussions on these matters.

“Indeed, there are many lawyers representing thousands of Plaintiffs in this MDL who have not generated the concerns **Beasley Allen** has,” said Singh. “All Plaintiffs involved in this matter deserve to be represented by counsel who take seriously their ethical obligations and who are above reproach.”

The federal ruling comes as bellwether cases are set to begin this year across the country. Singh said that **Beasley Allen**’s clients have joint representation, so other lawyers will be able to carry their cases forward.

“All involved (both past and present) have expended substantial time and effort to manage this unwieldy and beleaguered matter,” Singh said. “To permit counsel—who has now been disqualified in the NJ MCL—to remain here threatens to make those endeavors a futility by tainting proceedings going forward.”

J&J worldwide vice president of litigation Erik Haas criticized **Beasley Allen**’s role in the years-long litigation and praised the ruling.

“The Court found that **Beasley Allen** improperly collaborated with Johnson & Johnson’s former lawyer—conduct that strikes at the very core of the attorney-client relationship and violates the most basic, bright-line ethical rules governing the legal profession,” he said in a statement. “No litigant should be forced to defend itself against opponents who enlist former defense counsel, secretly confer on litigation strategy, and misuse privileged access for their own gain.”

50,000 Hours

Beasley Allen is fighting to stay in the case.

It’s filed an appeal in the New Jersey Supreme Court seeking a lifeline to save the roughly 50,000 hours it’s invested in roughly 11,500 cases across the country.

The firm’s attorney in these ethics matters, Jeffrey M. Pollock, said that New Jersey’s Rules of Professional conduct “are inherently and exclusively an issue for the Supreme Court of New Jersey to proscribe.”

The firm has backers, including a series of law school ethics professors urging the state high court to reverse the state appeals court ruling. They point out that this sanction for “association” with a former lawyer acting as a consultant has never led to a firm’s disqualification before.

If “a non-practicing lawyer representing no one, and who shares no confidential information, can breach his duty of loyalty to a former client, leading over 400 ovarian-cancer plaintiffs to lose their counsel of choice—the word should come from this Court,” the ethics professors told the New Jersey justices.

The federal decision came from an unusual hearing in which the federal and state trial court judges sat together. The state trial court judge ruled that **Beasley Allen** didn’t violate the rules.

Pollock said that he favors appealing Singh’s decision due to that “irreconcilable conflict,” and he will “discuss with my client, who remains completely committed to obtaining justice for ovarian cancer victims due to J&J’s contaminated talc product.”

The cases are: Johnson & Johnson Talcum Powder Prod. Mktg., Sales Pracs. and Prod. Liab. Litig , D.N.J., No. 3:16-md-02738, order on disqualification 3/26/26 .

(Updates with comment from J&J and **Beasley Allen**.)

To contact the reporter on this story: Alex Ebert in Madison, Wis. at aebert@bloombergindustry.com

To contact the editors responsible for this story: Alex Clearfield at aclearfield@bloombergindustry.com; Patrick L. Gregory at pgregory@bloombergindustry.com

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