

News **Mass Torts**

## Beasley Allen Facing Pro Hac Vice Challenge From J&J in NJ Talc Cases

June 18, 2025 By  **Amanda Bronstad**

### What You Need to Know

- Johnson & Johnson says a 'myriad of ethical issues' require Atlantic County Superior Court Judge John Porto to deny the pro hac vice admissions of Beasley Allen principals Andy Birchfield and Leigh O'Dell.
- Last year, Porto rejected a similar motion from Johnson & Johnson to disqualify Beasley Allen from the talc litigation.
- Johnson & Johnson also has renewed a motion to disqualify Beasley Allen from leadership of the talc multidistrict litigation and sought to bar pro hac vice admissions of O'Dell and Birchfield in two related class actions.



Judge John Porto. Courtesy photo

---

A New Jersey state court judge will hear arguments Thursday on whether to bar *pro hac vice* admissions to two plaintiffs' attorneys at Beasley Allen, the latest attack against the Montgomery, Alabama-based firm by Johnson & Johnson in the talcum powder litigation.

Johnson & Johnson says a "myriad of ethical issues" require Atlantic County Superior Court Judge John Porto to deny the *pro hac vice* admissions of Beasley Allen principals Andy Birchfield and Leigh O'Dell.

"Their admission would be detrimental to the prompt, fair and efficient administration of justice, as well as the interests of J&J," Johnson & Johnson attorney Jessica Brennan, of Barnes & Thornburg in Morristown, New Jersey, wrote in a May 29 filing.

Last year, Porto rejected a similar motion from Johnson & Johnson to disqualify Beasley Allen from the talc litigation based on a partnership Birchfield had with its former outside counsel,

James Conlan, a former partner at Faegre Drinker Biddle & Reath. Porto concluded that Johnson & Johnson failed to provide evidence that Conlan, now at Legacy Liability Solutions and who no longer practices law, shared confidential information with Birchfield in order for the two of them to pitch a \$19 billion talc settlement. Porto had held an evidentiary hearing over three days, alongside U.S. Magistrate Judge Rukhsanah Singh, in the District of New Jersey, where O'Dell is co-lead counsel in thousands of talc lawsuits in multidistrict litigation against Johnson & Johnson. Singh hasn't ruled yet on the disqualification motion.

Johnson & Johnson, which appealed Porto's order to the New Jersey Appellate Division, insisted in its *pro hac vice* admission challenge that new facts had come to light in the past year, particularly during the Chapter 11 proceedings of its subsidiary, Red River Talc, earlier this year. In particular, Birchfield testified during a bankruptcy hearing that more than 11,000 of his talc clients had consented to vote against Johnson & Johnson's proposed \$10 billion bankruptcy plan when, in fact, only 3,000 had responded.

"These actions demonstrate a disregard for client obligations, client autonomy, and the integrity of the judicial process," Brennan wrote.

In a June 10 response, Beasley Allen attorney Jeffrey Pollock, of Pollock Law in Trenton, New Jersey, wrote that Birchfield and O'Dell were both in good standing in the jurisdictions where they practice and that Johnson & Johnson's application to bar their *pro hac vice* admissions is, in essence, another attempt to disqualify them.

"As this court well knows, J&J views Beasley Allen as its enemy," he wrote. "Andy Birchfield, Leigh O'Dell and Beasley Allen have stalwartly stood for their clients."

As to the Red River proceedings, U.S. Bankruptcy Judge Christopher Lopez, in the Southern District of Texas, in his order dismissing the Chapter 11 case, found no evidence that "Beasley Allen acted in any manner other than the highest standards of the bar." The firm was in constant contact with its talc clients regarding the bankruptcy plan, which it planned to vote against on their behalf unless they asserted otherwise.

"Proof of Andy Birchfield and Leigh O'Dell's dedication to their clients is demonstrated by their unwavering advocacy in the face of J&J's unrelenting and unhinged attacks," Pollock wrote. "Being loyal to a client's cause is not a basis for denying a *pro hac vice* admission."

## **'Fast and Loose With the Facts'**

Thursday's hearing before Porto comes two days after U.S. District Judge Michael Shipp of the District of New Jersey took up several matters in the talc multidistrict litigation. In that federal docket, Johnson & Johnson has renewed its attempt to remove Beasley Allen from the plaintiffs'

steering committee. Johnson & Johnson also renewed its demand to disclose litigation financing received by Beasley Allen's co-counsel, The Smith Law Firm, in Ridgeland, Mississippi. \_

Shipp's Wednesday order, however, did not focus on either matter but on the proposed appointment of retired U.S. District Judge Freda Wolfson, who oversaw the talc multidistrict litigation in its first years but will now serve as special master over experts. In 2020, Wolfson allowed five general causation experts for the plaintiffs into bellwether trials, but Shipp ordered a new round of briefing last year.

Shipp also gave lawyers until June 24 to select a bellwether case.



**Andy Birchfield principal with Beasley Allen Law. Courteys photo**

Johnson & Johnson is not just challenging Beasley Allen's *pro hac vice* status in the coordinated talc actions in federal and state court, however. Last year, Beasley Allen was one of about half a dozen plaintiffs firms that filed two class actions against Johnson & Johnson ahead of the planned Red River Talc bankruptcy. One class action sought a temporary restraining order and preliminary injunction to halt the Chapter 11 filing, but Shipp rejected that motion, concluding he lacked subject-matter jurisdiction. Another class action seeks relief on behalf of

future talc victims who want medical monitoring to screen for ovarian cancer.

This month, in both cases, Johnson & Johnson challenged the *pro hac vice* admissions of Birchfield and O'Dell, and the attorneys' portrayal of Lopez's findings.

"Once again, Beasley Allen is playing fast and loose with the facts," Brennan wrote in a combined June 13 reply brief. "J&J welcomes this court to look at what the bankruptcy court actually said, not the cherry-picked and out-of-context statements presented by O'Dell and Birchfield."

**NOT FOR REPRINT**

© 2025 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](#).