

# Former Drummond V.P. and Balch lawyer sentenced to federal prison

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David Roberson, left, and Joel Gilbert, right, were convicted in July 2018 on six criminal charges each for their roles in a bribery conspiracy. (File)

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David Roberson, the former Drummond Company VP of Government Affairs, and Joel Gilbert, former Balch & Bingham partner, were sentenced Tuesday for their convictions on six criminal charges each relating to a



scheme intended to stop expansion of a toxic cleanup site in Jefferson County by the Environmental Protection Agency.

Roberson and Gilbert were sentenced by U.S. District Judge Abdul Kallon.

Gilbert was sentenced to five years in federal prison, followed by a supervised release period of two years. Roberson was sentenced to two-and-a-half years in prison, followed by one year of supervised release. Each were ordered to pay a \$25,000 fine, and ordered to complete 100 hours per year of community service while on supervised release.

Kallon also ruled that Gilbert provided false testimony on a material matter in relation to his testimony about how he did not intend that Oliver Robinson use his official office as a state legislator as part of their contract.

Gilbert spoke at his hearing, which began at 9 a.m., and apologized to his family, friends, and to Roberson. Gilbert said the past year and a half was “extremely difficult,” but maintained that he did not “have any criminal intent in [his] actions.”

Gilbert said looking back, he knows there are things he could have done differently and he takes full responsibility for that. But, Gilbert said, he “adamantly and vehemently denies” there were any health risks to north Birmingham or Tarrant residents because of ABC Coke or Drummond.



“I am tasked now with rebuilding my life, regaining my reputation, and explaining this to my children,” Gilbert said.

Four people spoke on behalf of Gilbert and about his character. His younger brother talked about idolizing Gilbert for his entire life, and how involved a father Gilbert is to his two young children. He also said Gilbert has been a pillar of their family and has always acted selflessly to help those in need. He called Gilbert “ethical, admirable, and genuine.”

Two friends said Gilbert has “sound judgement” and has good character, and would help anyone in need. A former co-worker said Gilbert always wanted to be a good lawyer for his clients and wanted to be with his family whenever possible.

During Roberson’s hearing, which began at 1 p.m. and lasted over four hours, Kallon said he agrees Roberson is less culpable in the incident than Gilbert and that a departure from the sentencing guidelines was warranted.

While the scheme was a “serious crime,” Kallon said, the letters and character witnesses gave him a “full picture” of Roberson and his life. The judge said he was “blown away by” the testimony regarding Roberson’s treatment of his daughter when she came out as gay, and by his relationship with his youngest son who has autism spectrum disorder. Kallon said, “It’s clear he’s the stable force at this point in [Roberson’s son’s] life.”



Before announcing the sentence, Kallon said he was moved by Roberson's treatment of immigrants, as referenced by several letters and a restaurant manager who said Roberson has let immigrant employees stay at his beach house because they weren't able to take their families on vacation. "I'm sensitive to that because I am an immigrant as well," he said. "I think we can learn a lot about a person through their conduct," he said.

Brett Bloomston, Henry Asbill, and David Bouchard represented Roberson. The court received more than 150 letters of support for Roberson and 12 people spoke during the hearing about his character. Each described Roberson as a kind, genuine, ethical, calm, honest, and truthful person who is dedicated to his family. Many said Roberson was in this situation because of his reliance on Balch lawyers to do the right thing.

Roberson also spoke, thanking his family and friends for their support. "I may have been naïve, I may have been too trusting... [but] I am innocent of all charges brought against me," Roberson said. He said he trusted Gilbert and the Balch team to make sure everything they were doing was ethical, and also said he never saw the contract with Robinson's nonprofit foundation. "I never thought we were bribing Oliver Robinson," he said. "I trusted Joel [Gilbert]."

Roberson said his family is his world and he would never do anything to jeopardize his relationship with them. He asked the judge for an acquittal or a new trial, but said if that wasn't possible, he would ask to remain on bond during his appeal.



Kallon said he will allow extra time before giving Roberson a turn-in date to prison to allow for him to attend therapy with his family, so they can learn to cope with the sentence. He has yet to rule whether Roberson or Gilbert can remain free on bond while going through the appeals process.

Assistant U.S. Attorneys George Martin, Robin Beardsley Mark, and John Ward prosecuted the case. In sentencing documents filed before the hearing, they asked Gilbert to be sentenced to more than eight years in prison, fined \$250,000, and ordered to three years of supervised release.

The government also asked that as a special condition of supervised release, Gilbert be ordered to perform 250 hours of community service in the north Birmingham community every year. They originally asked Roberson be sentenced to six-and-a-half years in prison, but following testimony at the sentencing hearing, prosecutors lowered their request to four years in prison. They also asked that Roberson be fined \$250,000 and given three years of supervised release.

Gilbert's lawyers Jack Sharman, Brandon Essig, and Jeffrey Doss, asked for a sentence of one year and one day in prison and a supervised release term of one to three years, with the first six months served under home confinement. His lawyers also requested Gilbert complete 200 court-ordered hours of community service. Roberson's attorneys<sup>1</sup> asked for a sentence without prison time.



Each man was convicted of six criminal charges-- conspiracy, bribery, three counts of honest services wire fraud, and money laundering-- after a trial in July.

According to prosecutors, Roberson and Gilbert bribed Robinson to oppose the EPA's Superfund expansion from north Birmingham into Tarrant and the plans to put the listing on the group's National Priorities List. If Drummond was found responsible for the polluted soil in the Superfund site, the company would have had to pay for the expensive cleanup.

Prosecutors said Gilbert and Roberson formed a contract through Balch with Robinson's nonprofit organization, The Oliver Robinson Foundation, to pressure state officials to oppose the EPA, to meet with EPA representatives, and vote on a joint resolution in the legislature to denounce the expansion and NPL proposal.

The trial lasted four weeks. Robinson, who testified for the government, pleaded guilty to several charges and was sentenced last month to two years and nine months in prison. He will begin serving prison time in November.