

Business

Appeals court upholds conviction of former Drummond V.P. and Balch lawyer

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Drummond vice president David Roberson and Balch & Bingham partner Joel Gilbert.

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The 11th Circuit Court of Appeals has upheld the convictions of a Birmingham lawyer and an Alabama coal company executive convicted in 2018 of bribing a former state legislator to thwart environmental cleanup efforts in north Birmingham.

U.S. Attorney Prim F. Escalona announced today that the convictions of former Balch & Bingham partner Joel Iverson Gilbert and former Drummond Co. Vice President of Government and Regulatory Affairs David Lynn Roberson were affirmed. The two had argued their actions did not meet the legal definition of bribery.

“The Eleventh Circuit confirmed what the jury understood. Joel Gilbert and David Roberson paid a state representative to deprive the voters of north Birmingham of their voice,” Escalona said. “The appellate court’s decision makes clear that the very purpose of our bribery laws is to prohibit such efforts to subvert the will of the community.”

Gilbert and Roberson were each convicted of bribery, honest services wire fraud, conspiracy, and money laundering after a four-week trial in July 2018. Prosecutors said Roberson and Gilbert bribed former state legislature Oliver 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 cleanup.

Prosecutors said Gilbert and Roberson formed a contract 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 contract paid Robinson \$360,000 between 2015 and 2016.

Robinson testified for the government and pleaded guilty to several charges. He was sentenced to two years and nine months in prison, and was released last year as part of the Bureau of Prisons’ review of inmates with risk factors due to COVID-19.

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.

Assistant U.S. Attorney George Martin, now of the Southern District of Alabama, briefed and Assistant U.S. Attorney Praveen Krishna argued the case before the Eleventh Circuit.