

Arrested? Call a Lawyer

DUI laws are complicated. They have spawned a legal specialty.

The Future looked bleak for Robert C. Komada Jr. on June 13. He was in District Court in Middletown, Bucks County, on his latest arrest for driving under the influence. Police were ready to testify that he had assaulted them, too and his lawyer was running late. Then in breezed A. Charles Peruto Jr., rising from a canary-yellow 2002 Thunderbird two-seater. He strode confidently into court, files in hand.

Within an hour, the prosecutor had dropped the DUI charge. Peruto had pointed to problems in how his client's blood had been tested. Komado, 40, of Warminster, a six-time DUI offender and two-month resident of the Bucks County Prison courtesy of his latest arrest, was a free man. That same week, in an Aston Delaware County, court, lawyer Charles F. Nistico, dapper in a blue pin-striped Canali suit, was late for court, too. Try as he might, Nistico could not dissuade a district justice from ordering two clients' trials for DUI. Nistico vowed to win in the end.

He and Peruto are part of a flourishing breed: the DUI defense specialist. They challenge Breathalyzer results, have suspended licenses restored, and get records expunged. Their ads grace the Yellow Pages and the Internet; Blue bell Lawyer Edwin Guyer's e-mail address is drivnow@aol.com. Researcher Stephen D. Mastrofski says the DUI laws have been nicknamed the Attorneys Relief Act, and Nistico, who has offices in Media and Cherry Hill and is a former Chester district justice, doesn't disagree: "The present system is very confusing. This is good for the lawyers"

Of course, defendants can represent themselves, or get a public defender if they cannot afford to hire a lawyer. But typical DUI defendants can afford one, and it pays: Komada's computerized court file shows six convictions he's had 10 other DUI arrests. Peruto says he beat them and had the official record expunged, as the law allows. The Inquirer found them in old paper records. Peruto says Komada isn't his worst client, because " he keeps trying to turn himself around."

William James, an assistant Philadelphia district attorney whose unit got Komada convicted of two DUIs in 1997, says Komada may "hurt or kill somebody someday if he is not appropriately punished. DUI defense lawyers aren't without qualms. "every once in a while you feel that a person that you're representing is just trying to use you and the system to get off," Nistico says, "You're concerned you're letting someone loose in society." Then he headed off to counsel another client.