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With a legal challenge, the Dennis White case could drag on for years, stalking former mayor Martin J. Walsh

By [Milton J. Valencia](#) Globe Staff, Updated June 6, 2021, 7:14 p.m.



Dennis White was sworn in police commissioner in February and days later was suspended. JIM DAVIS/GLOBE STAFF/FILE

Acting Mayor Kim Janey could decide the fate of embattled Boston Police Commissioner Dennis White in the coming days, but that doesn't mean the legal wrangling will come to an end, especially if he is ousted and pursues a wrongful termination lawsuit, according to legal analysts who laid out what the process ahead could look like.

"It's a game of chicken, and it's very fluid," said Chuck Rodman, a Newton-based lawyer who specializes in employment law.

Janey planned to remove White from his post last month after an independent investigation into the circumstances of his appointment and two-decade-old domestic violence allegations found a pattern of alleged abuse, as well as a culture of fear and coverups within the Boston Police Department. After White unsuccessfully sought a court order to prevent his removal, arguing he had not received due process, Janey held a closed-door termination hearing last week and could decide White's future as soon as Monday.

If she decides to remove White, Janey could fire him outright or remove him from the commissioner post and return him to the civil service rank he held — detective lieutenant — before his appointment to the command staff in 2014. Legal observers who have followed the process said she could do either. If he stays on the force as a detective lieutenant, White would be able to continue to collect a salary and accrue his pension.

Yet White has steadfastly denied the domestic violence allegations and challenged his removal. His aggressive legal defense so far indicates he may be willing to file a lawsuit challenging any permanent decision to fire or remove him — a process that could play out in the public sphere for years.

"There may be a lot of political fallout," Rodman said.

He said any legal challenge of a termination by White would center on whether there was just cause to remove him, which Rodman said is open to interpretation amid a seemingly nonstop back and forth of allegations.

White's lawyer, Nicholas B. Carter, said he remains focused on having White reinstated, rather than planning a lawsuit. But he has said he would consider all legal options, including filing a civil rights complaint should Janey remove

his client, saying White's rights have been violated and he has been wronged by a faulty process based on the erroneous allegations of his former wife.

"We're focusing 100 percent on trying to get him reinstated; we're not looking at the next steps," he said, calling White an ideal candidate for commissioner, who "has been terribly wronged."

The drama took several different turns over the last two weeks, when White and former commissioner William Gross — his close friend and predecessor — alleged in court records and in testimony that former mayor Martin J. Walsh knew about the domestic violence allegations against White, including that he once had a restraining order against him, when he was first promoted to the command staff in 2014.

White argues that Janey would therefore have no grounds to fire him, because his past had already been disclosed and considered before his appointment. Walsh, who resigned to become US labor secretary in March, has denied that he knew about the allegations, saying he only learned about them after the Globe began asking questions about them — after White had already been sworn in in February.

If White is fired and challenges his termination, Walsh could be forced to testify under oath about what he knew about White's past, a possibility that could stalk the former mayor in his new post in Washington, D.C., legal analysts said.

Additionally, a lawsuit by White could force the relitigation of the domestic violence allegations against him from the early 1990s, a possibility that would lay bare his family's business in an open court proceeding, analysts said. (Many of the records of the initial allegations, including White's internal affairs file, have not been made public.)

Last week, White denied the allegations in video affidavits, calling his ex-wife the perpetrator of the violence. His oldest daughter and former sister-in-law provided affidavits supporting his account. But their declarations led his ex-wife and younger daughter to also go public with new details of abuse they say White directed at them.

Sybil Mason, White's former wife, [told the Globe in an interview](#), "I was a prisoner in my own house."

She added, "Don't call me a liar cause I know what I went through."

(The Globe generally does not identify victims of domestic violence unless they agree to be named.)

White's lawyer unleashed a flurry of other affidavits and letters, accusing Mason and White's younger daughter of lying. Mason had previously told the Globe, "I'm not the one on trial here."

Rosanna Cavallaro, a Suffolk University law professor who has watched the saga unfold, questioned whether White would want to proceed with a lawsuit. She noted that the Superior Court judge who rejected his early attempts to thwart his removal had raised questions about the likelihood of his long-term success in court. A mayor, Cavallaro said, should have the ability to fire an executive officer, such as a police commissioner.

"The judge was saying, 'You're not likely to win if this goes forward'," she said.

She also questioned what White's end goal would be. The drama has already eroded public confidence in his suitability to lead the department, she said. And if he is seeking a financial settlement, he may not want to diminish his standing with further legal brouhaha.

"There's not much logic to pursuing it at this point," she said. "It was kind of a stare down, a game of chicken."

A game that White already may have lost, she said.

"What he wanted was the injunction [to stop his firing]; I'm not sure he wants the lawsuit," she said. "He's sort of trying to hang onto the office, but he's making it hard at the same time . . . to be taken serious as a candidate for that office."

But Daniel Medwed, a Northeastern University law professor, said White may want an opportunity to clear his name and air his claims in a court proceeding, with witnesses and affidavits under oath — even if he never regains the commissioner post.

Medwed noted that Janey's removal hearing was held behind closed doors and it's unclear how much weight Janey will give to the video affidavits. He said White may also want to force Walsh to confront under oath his claim that the mayor knew about the domestic violence allegations.

At the least, Medwed said, White could leverage the stakes of a costly, prolonged court battle to force a settlement.

White's team has "intimated for weeks now that they feel their side hasn't been heard," he said. "Maybe he'll go as long as he can, to clear his name."

Medwed added, "The calculus really is, what's the upside of prolonging this, versus the downside. For White, the downside is keeping this story in the public's eye. That's his prerogative, if he so chooses."

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