

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0825**

In the Matter of the Ronald E. Roehrs Trust Dated August 9, 1999.

**Filed January 5, 2026
Affirmed
Bentley, Judge**

Waseca County District Court
File No. 81-CV-23-104

Kristina H. Kaluza, Mickey L. Stevens, Dykema Gossett PLLC, Minneapolis, Minnesota;
and

Christopher D. Kratovil (pro hac vice), Dallas, Texas (for appellant Michael Roehrs)

J. Robert Keena, Neven Selimovic, Hellmuth & Johnson PLLC, Edina, Minnesota (for
respondents Janet Tharp, Rhonda Conrath, and Daniel Roehrs)

Bethany J. Rubis, B. Steven Messick, Messick Law, PLLC, St. Paul, Minnesota (for
respondent Sandra Walstrom)

Marvel Roehrs (pro se respondent)

Considered and decided by Schmidt, Presiding Judge; Bentley, Judge; and
Halbrooks, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

This case arises out of a dispute between siblings about the proper interpretation of a provision in their father's trust that provides for the appointment of a successor trustee. Appellant Michael Roehrs asks us to reverse the district court's order appointing one of his siblings as successor trustee and ordering the distribution of trust assets. He also requests we reverse the district court's denial of his motion to remove the district court judge. We affirm in both respects.

FACTS

Ronald E. Roehrs established the Ronald E. Roehrs Trust on August 9, 1999, and amended the trust on September 13, 1999. Ronald¹ named his six children—Michael; respondents Janet Tharp, Rhonda Conrath, Daniel Roehrs, and Sandra Walstrom; and nonparty Steven Roehrs—as the residual beneficiaries of the trust. Following Ronald's death in 2000, his surviving spouse, Marvel B. Roehrs, became trustee pursuant to paragraph B of the following section of the trust that is the subject of this appeal.

VII. ADDITIONAL TRUSTEE PROVISIONS. These additional provisions shall apply regarding the Trustee.

A. Grantor as Trustee. If at any time the Grantor is the Trustee, the Grantor may appoint a successor Trustee by making such designation in writing. Such designee shall become the successor Trustee upon acceptance of the terms and conditions of this Agreement.

¹ Because multiple parties share the same last name, we use first names throughout this opinion when referring to parties individually.

B. Death or Disability of the Grantor as Trustee. If at any time the Grantor has a disability . . . or upon the death of the Grantor, Marvel B. Roehrs, is designated as the successor Trustee. Such designee shall become the successor Trustee upon acceptance of the terms and conditions of this Trust. If the successor Trustee is unable or unwilling to serve, Steven Roehrs is designated as alternate successor Trustee.

C. Resignation of Trustee. The Trustee, or any successor may resign at any time by giving 10 days written notice to the Grantor. If the Grantor is deceased, such notice shall be given to all adult beneficiaries, and to a parent or guardian, if any, of each minor beneficiary.

D. Successor Trustee. The beneficiaries to whom such notice of resignation is given shall designate a successor Trustee by written notice to the resigning Trustee within 20 days after receipt of the notice of resignation. If a successor Trustee is not so designated, the resigning Trustee shall have the right to secure the appointment of a successor Trustee by a court of competent jurisdiction, at the expense of the trust. If a successor Trustee is appointed, such Trustee shall be bound by, and subject to, the provisions of this Trust.

In early 2023, Michael filed a petition for Marvel's removal as trustee, for the appointment of his sibling Steven as successor trustee, for an accounting of the trust, and for other additional relief. Janet, Rhonda, and Daniel (the Tharp parties) jointly objected to Michael's motion to remove Marvel and, in the alternative, requested to participate in the selection of the successor trustee in the event of Marvel's removal. Sandra and Marvel individually objected and filed their own cross-petitions for appointment of a successor trustee in the event Marvel was removed.² A scheduling conference was set for August 2023.

² On appeal, the Tharp parties filed briefs jointly and Sandra filed briefs individually. Marvel did not file a brief or otherwise participate in the appeal. Therefore, when this

Before a scheduling conference was held, Janet filed correspondence with the court stating, “The majority of the beneficiaries have voted that Janet Tharp shall become the new trustee *if* Marvel . . . resigns as trustee” and attached “the ballots returned by the beneficiaries of the Trust.” On June 21, 2023, Marvel filed a notice of resignation. Then, on July 7, 2023, the Tharp parties filed correspondence with the district court requesting that the court issue an interim order confirming the appointment of Janet as successor trustee following Marvel’s resignation. The correspondence stated that financial institutions “ha[d] refused to allow any party to access and administer Trust funds without a court document.” In response, the district court filed a notice of judicial determination that acknowledged receipt of the correspondence and directed the parties to submit a proposed order on the matter.

The Tharp parties submitted a proposed order stating, “It is hereby ordered that, Janet Tharp is confirmed to be appointed as the Trustee.” The end of the proposed order included the language, “Let judgment be entered accordingly. Let there be no just reason for delay.” The court adopted the language of the proposed order and signed it on July 11, 2023, removing only the line “Let there be no just reason for delay.” There was no language explicitly identifying it as an interim order. No other party objected to the proposed order and, as the district court later explained, the district court did not know that the appointment of Janet as interim trustee was contested. On July 19, 2023, the district court entered a “judgment” on the July 11, 2023 order and closed the case. No objections or requests for a

opinion refers to the arguments of the “respondents,” we mean the common arguments presented on appeal by the Tharp parties and Sandra.

hearing were filed by any party in regard to the July 7, 2023 correspondence, the July 11, 2023 order, or the July 19, 2023 judgment. The August 2023 scheduling conference was subsequently removed from the district court's calendar.

Michael appealed from the July 19, 2023 judgment to this court, arguing that the district court erred by appointing Janet as the permanent successor trustee and entering a final judgment without fully addressing his claims. In an order opinion, we remanded the case to the district court for further findings, allowing the court to reopen the record on remand at its discretion. *See In re Roehrs Tr.*, No. A23-1248, 2024 WL 1986080 (Minn. App. Apr. 30, 2024). Pursuant to our opinion, the district court filed an order reopening the record, directing that a hearing be scheduled on the case, and stating, "If any party wishes the Court to consider an issue, they must timely file with the Court a proper motion and serve all parties to this action so all parties have an opportunity to be heard by the Court."

In response, Michael filed a motion to vacate the July 11, 2023 order and July 19, 2023 judgment. He later filed a motion for removal of the district court judge. The Tharp parties moved for confirmation of Janet as the permanent trustee and for distribution of the trust and attorney fees. Sandra filed an affidavit supporting the Tharp parties' motions.

The district court held a hearing on Michael's motion for removal. In a subsequent order denying the motion, the district court acknowledged that the July 19, 2023 judgment was entered in error and was not intended to be a final judgment. But the district court determined that the mistake that was being addressed was not grounds for removal. Michael then moved for reconsideration. His motion was considered and denied by the chief judge of the district court.

After the removal motion was resolved, Sandra and the Tharp parties requested a hearing to resolve all outstanding motions. Michael opposed the request and asked the court to decide his motion to vacate before considering the other motions.

The district court held a hearing on all pending motions in January 2025. Thereafter, the district court (1) granted Michael's motion to vacate the July 11, 2023 order and the July 19, 2023 judgment; (2) granted the Tharp Parties' motions to confirm Janet as the successor trustee on the grounds that her designation was consistent with the plain language of the trust or, in the alternative, was within the court's authority to appoint a successor trustee under Minnesota Statutes section 501C.0704(c)(4) (2024); and (3) ordered that Janet, as successor trustee, shall have the authority to carry out the duties of trustee set forth in the trust declaration, including payment of attorney fees for the benefit of the trust and distribution of the trust assets.

Michael appeals.

DECISION

Michael argues, first, that the district court's appointment of Janet as the successor trustee was contrary to the language of the trust and outside the district court's statutory authority; second, that the district court's consideration of the Tharp parties' motions was improper under the rules of civil procedure and due process; and third, that the district court abused its discretion in denying Michael's motion to remove the district court judge and his motion for reconsideration. We address each argument in turn.

I

At its core, this dispute is about who should be appointed as successor trustee following Marvel's resignation. Michael argues that the plain language of the trust identifies Steven as the successor trustee, whereas respondents maintain that the trust instructs the beneficiaries to identify the successor trustee and, because four of the six beneficiaries voted for Janet, she is the appropriate successor trustee under the trust's terms. Each party also argues that the statutory factors in Minnesota Statutes section 501C.0704(c) (2024) support its respective position.

We first interpret the plain language of the trust, which leads us to conclude that the Tharp parties and Sandra have the stronger argument. Second, we alternatively conclude that, even if the statutory factors apply, the district court did not abuse its discretion in appointing Janet.

A. Trust's Plain Language

We begin by looking at the trust's plain language. Appellate courts "review de novo a district court's interpretation of a written document, which in this case is the Trust Agreement." *In re Stisser Grantor Tr.*, 818 N.W.2d 495, 502 (Minn. 2012). "A district court's findings of fact are given great deference and shall not be set aside unless clearly erroneous. Issues of law are reviewed de novo." *In re Hanson Living Tr.*, 986 N.W.2d 1, 4 (Minn. App. 2023) (citations omitted).

When interpreting a trust agreement, the court's role "is to ascertain and give effect to the grantor's intent." *Stisser*, 818 N.W.2d at 502. "A court should seek out the grantor's dominant intention by construing the trust agreement in its entirety." *In re Van Dusen*

Marital Trust, 834 N.W.2d 514, 520 (Minn. App. 2013), *rev. denied* (Minn. June 26, 2013).

This court does so by examining the language of the trust agreement to determine whether it is unambiguous. *See id.* A court should interpret unambiguous words and phrases in a trust agreement “according to their common and approved usage.” *Stisser*, 818 N.W.2d at 502. The disputed language should be considered in the context of the instrument as a whole and “in such a way as to give meaning to all of its provisions.” *Brookfield Trade Ctr., Inc. v. County of Ramsey*, 584 N.W.2d 390, 394 (Minn. 1998) (stating also that courts “read contract terms in the context of the entire contract”).

Both parties argue that the trust’s language is unambiguous, but they disagree as to which trust provision controls in the present situation. Michael argues that paragraph (B) of section VII of the trust, labeled “Death or Disability of the Grantor as Trustee,” controls. Invoking paragraph (B), Michael maintains that Steven must be appointed as successor trustee because, under that paragraph, “upon the death of [Ronald],” if Marvel is “unable or unwilling to serve, Steven Roehrs is designated as alternate successor Trustee.” He contends that Marvel’s resignation signals that she is unwilling to act as the trustee. Respondents disagree and contend that paragraph (B) applied only upon the death of Ronald, and because Marvel accepted the role of successor trustee at the time of his death in 2000, paragraph (B) is no longer relevant. Instead, respondents maintain that paragraphs (C) and (D) of section VII of the trust control. Paragraph (C), labeled “Resignation of Trustee,” provides that “any successor may resign at any time by giving 10 days written notice to the Grantor.” It continues, “If the Grantor is deceased, such notice

shall be given to all adult beneficiaries, and to a parent or guardian, if any, of each minor beneficiary.” Then, paragraph (D), labeled “Successor Trustee,” provides:

The beneficiaries to whom [a] notice of resignation is given shall designate a successor Trustee by written notice to the resigning Trustee within 20 days after receipt of the notice of resignation. If a successor Trustee is not so designated, the resigning Trustee shall have the right to secure the appointment of a successor Trustee by a court of competent jurisdiction, at the expense of the trust. If a successor Trustee is appointed, such Trustee shall be bound by, and subject to, the provisions of this Trust.

Considering this language in context, we agree with respondents that paragraph (B) applies only at the time of the grantor’s death or disability and that paragraphs (C) and (D) control whenever any successor trustee resigns.

The headings are helpful in understanding how the paragraphs work together, even if they are not binding on our analysis. *Cf. Cnty. of Hennepin by Freeman v. 6131 Colfax Lane, Minneapolis*, 907 N.W.2d 257, 259 (Minn. App. 2018) (considering a statute’s subdivision titles and arrangement to provide context for its language). The section on which Michael relies is labeled, “Death or Disability of the Grantor as Trustee,” indicating it is triggered at the time of the death or disability of the grantor. The paragraph then provides clear instruction that, upon that event, Marvel shall be successor trustee unless she is unable or unwilling to undertake the role. If she is unable or unwilling, the trust instructs that Steven will be the alternate successor appointee. For our purposes, because Marvel was willing and able to serve as successor trustee *at the time of the Grantor’s death*, Steven was not appointed successor trustee under that paragraph.

Michael argues that paragraph (B) is not limited to a determination of the successor trustee at the time of the grantor's death or disability. Rather, he maintains it also applies if Marvel is no longer willing or able to serve as successor trustee, as evidenced by her resignation. This position is untenable when considering paragraph (B) in context of section VII as a whole. Specifically, it does not account for the fact that the trust uses both phrases, "unwilling to serve" and "resign," in different paragraphs in section VII. To give meaning to each paragraph, we presume that these different phrases have different meanings. *See Current Tech. Concepts, Inc. v. Irie Enters.*, 530 N.W.2d 539, 543 (Minn. 1995) ("A contract must be interpreted in a way that gives all of its provisions meaning."); *cf. Dereje v. State*, 837 N.W.2d 714, 720 (Minn. 2013) (applying this principle in the context of interpreting court rules and stating "when different words are used in the same context, we assume that the words have different meanings"). Because the reference to Marvel's unwillingness to serve appears only in paragraph (B) and instructions following a successor's decision to "resign" are outlined in paragraphs (C) and (D), we understand "unwilling to serve" and "resign" to have distinct meanings in section VII of the trust.

Our understanding is bolstered by language in paragraph (C), which outlines the process for "any successor" to resign. Marvel, having succeeded Ronald as the trustee, is included within "any successor." That means, when she "resigns," she must follow the process outlined in that paragraph, including giving the notice to all beneficiaries that triggers the process for selecting a new successor trustee in paragraph (D). Michael's suggestion that paragraphs (C) and (D) apply to successor trustees only after Marvel served as trustee is inconsistent with paragraph (C)'s plain language. We therefore conclude that

the process outlined in paragraphs (C) and (D) applies to the determination of a successor trustee in the circumstances presented here.

Next, we must consider whether the designation of Janet by four beneficiaries is consistent with that process. Respondents contend that it is. Michael does not dispute that he and Steven received ballots and did not return them. Instead, he argues that, because the trust does not contain a provision addressing how the beneficiaries should designate a successor trustee, a unanimity requirement applies and the majority designation of Janet was insufficient.

We decline to read a unanimity requirement into the trust language when the grantor did not explicitly include one. *See Travertine Corp. v. Lexington-Silverwood*, 683 N.W.2d 267, 271 (Minn. 2004) (stating that “when a contractual provision is clear and unambiguous, courts should not rewrite, modify, or limit its effect by a strained construction”). The designation process used by the beneficiaries is consistent with the trust language that “[t]he beneficiaries to whom [a] notice of resignation is given shall designate a successor Trustee.” Four of the six beneficiaries voted to designate Janet as successor trustee, and after that designation, they complied with the notice requirements outlined in paragraph (D). We conclude that the process used and Janet’s appointment were consistent with the plain language of the trust.

B. Statutory Factors

Although we conclude that the district court did not err in appointing Janet in accordance with the plain language of the trust, we briefly address the parties’ alternative arguments under Minnesota Statutes section 501C.0704(c)(4). We note that we are not

convinced that the statutory factors apply in this context, when the trust provides instructions about the process for appointing a successor trustee. *See* Minn. Stat. § 501C.0105(b) (2024) (providing that the terms of a trust prevail over a statutory provision, unless the statute specifies otherwise). But because the parties invoke the statute as an alternative and because the district court relied on it as an alternative to its plain-language analysis, we consider their arguments.

Minnesota Statutes section 501C.0704(c)(4) allows a vacancy in trusteeship to be filled “by a person appointed by the court.” The Minnesota Supreme Court stated in *Wertin v. Wertin* that, “[i]n the absence of contrary statute, the question as to whether a trustee should or should not be appointed is addressed to the sound discretion of the court, although its power of appointment must not be exercised arbitrarily.” 13 N.W.2d 749, 753 (Minn. 1944) (quotation omitted).³ The district court acts within its discretion if it “consider[s] all the circumstances bearing on the matter, including the wishes of the beneficiaries.” *Id.* at 753-54 (quotation omitted).

The district court’s order appointing Janet as successor trustee is consistent with *Wertin*. *Id.* For example, the district court considered the interest of the trust in being without a trustee for a prolonged period, the fact that a majority of beneficiaries desired Janet as trustee, and that Janet had been acting as trustee under the interim order. The

³ Michael argues that, under Minnesota Statutes section 501C.0704(c)(1), Steven is “a person designated in the terms of the trust to act as successor trustee” and should therefore be appointed as successor trustee if the statute applies. For reasons already discussed, we do not agree that Steven was designated as successor trustee under the present circumstances. Section 501C.0704(c)(1) is therefore inapplicable.

district court thus considered “the circumstances bearing on the matter,” including the wishes of the beneficiaries. *Id.* at 753.

Michael argues that the court was required to appoint as successor trustee only individuals specifically named in a party’s pleadings, and because Janet was not named as a possible successor appointee in his petition or in any of the objections or cross-petitions, the court abused its discretion in appointing her. The statute contains no such limiting language. *See* Minn. Stat. § 501C.0704(c)(4).

In sum, the district court’s appointment of Janet as successor trustee was within its discretionary powers and consistent with Minnesota Statutes section 501C.0704(c)(4).

II

Michael also makes three procedural arguments challenging the district court’s process in reaching and deciding the Tharp parties’ postremand motions. First, Michael argues that the Tharp parties’ motions were essentially untimely motions under Minnesota Rule of Civil Procedure 60.02 and, as they were untimely, they should have been denied. Rule 60.02 permits a court to “relieve a party . . . from a final judgment . . . , order, or proceeding,” if that party makes a motion requesting such relief within the specified time. Minn. R. Civ. P. 60.02. We do not agree that the Tharp parties’ motions were brought under rule 60.02. The Tharp parties never identified them as such and consistently argued that they were not rule 60.02 motions. Rather, the motions were brought in response to the district court reopening the record after remand from this court and inviting the parties to bring motions. We agree with the Tharp parties. As they did not bring rule 60.02 motions, the deadlines in that rule do not apply.

Second, Michael contends that, because none of the respondents' initial filings requested confirmation of Janet as the permanent successor trustee, the pleadings deprived Michael of proper notice, deprived the court of jurisdiction, and were procedurally improper. These arguments do not consider that Minnesota adheres to the principles of notice pleading, which means we have "more liberal requirements" for placing parties on notice of claims. *Barton v. Moore*, 558 N.W.2d 746, 749 (Minn. 1997). Here, Michael's own petition called for the appointment of a new trustee. Sandra's responsive cross-petition and objection stated, "the Trust language in section VII (C) and (D) contemplates the beneficiaries having input in who the Trustee would be should a successor Trustee resign," and asks the court to consider appointing a neutral third-party. The Tharp parties said in their objection to Michael's petition that, if Marvel is removed as trustee, "[r]espondents would support electing a neutral third party to administer the Trust per the language of the trust by majority of the Beneficiaries." The objections and cross-petition sufficiently gave Michael "fair notice of the theory on which the claim for relief is based," as required by Minnesota pleading standards. *Id.* Specifically, Michael was on notice that the issue of the selection of a successor trustee, after Marvel no longer served in the role, was before the court. Accordingly, notice was not so lacking as to warrant reversal of the district court's appointment order.

Third, Michael argues that it was both procedural error and a denial of due process for the court to issue its appointment order without permitting discovery or holding an evidentiary hearing. Looking first to his procedural arguments, we understand Michael to be challenging the district court's decisions on when to hear certain motions and in what

order. These arguments are unpersuasive. “[T]he district court has considerable discretion in scheduling matters and in furthering what it has identified as the interests of judicial administration and economy.” *Rice Park Props. v. Robins, Kaplan, Miller & Ciresi*, 532 N.W.2d 556, 556 (Minn. 1995). Here, the district court was dealing with a procedurally complex case that had been ongoing for some time. Hearing all pending motions at the same hearing favored the interests of judicial administration and economy and was well within the district court’s discretion.

The district court also did not abuse its discretion in declining to hold an evidentiary hearing. The supreme court has held that, when a trust agreement is unambiguous, the grantor’s intent is to be ascertained “from the language of the agreement, without resort to extrinsic evidence.” *Stisser*, 818 N.W.2d at 502. As explained, the district court correctly determined that the trust unambiguously tasked the beneficiaries with selecting a successor trustee. And because they did that, the district court was within its authority to appoint Janet as successor trustee without considering extrinsic evidence or holding an evidentiary hearing.⁴

Turning to Michael’s due-process argument, we understand his argument to be that it was a denial of due process for him not to be afforded the opportunity to conduct discovery and fully present his case. Whether an individual’s procedural-due-process rights

⁴ To the extent the district court was exercising its authority under the statute to select a successor trustee, Minnesota Statutes section 501C.0704 (2024) does not require an evidentiary hearing. Having considered the record, we are not persuaded that the district court abused its discretion in declining to hold one here.

have been violated “is a question of law that [appellate courts] review de novo.” *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012). “The foundational principle of the right to due process is an opportunity to be heard upon such notice and proceedings as are adequate to safeguard the right for which the constitutional protection is invoked.” *Gams v. Houghton*, 884 N.W.2d 611, 618 (Minn. 2016) (quotation omitted). It is clear from the record that Michael has not been deprived of an opportunity to present his case. *See Stephens v. Goodwin*, No. A22-1347, 2023 WL 5185872, at *5-6 (Minn. App. Aug. 14, 2023) (finding no violation of appellant’s due process rights, even without an evidentiary hearing, because he “had many opportunities to be heard” (quotation omitted)), *rev. denied* (Minn. Nov. 28, 2023).⁵ The district court held at least four hearings, three of which occurred after our remand, at which Michael appeared through his attorneys and was heard on the issues that are the subject of this appeal. He also submitted extensive briefing with multiple attached exhibits, including affidavits, addressing those issues. Because Michael received numerous opportunities to present his arguments, we conclude that his rights to due process were not violated.

In sum, we discern no basis to reverse the district court’s decision on procedural or constitutional grounds.

III

Michael challenges the denial of his motion for removal of the district court judge who presided over this case, and his motion for reconsideration, on the basis that there is

⁵ This case is nonprecedential and, therefore, not binding. We cite nonprecedential opinions as persuasive authority only. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

an appearance of partiality.⁶ Specifically, he raises the arguments he made in the district court about procedural anomalies that led to the mistaken entry of final judgment, as well as additional arguments that are similar to his postremand due-process arguments discussed above.

We begin with the arguments heard by the district court during its consideration of Michael’s motion to remove the district court judge and subsequent motion for reconsideration. “A judge shall disqualify [themselves] in any proceeding in which the judge’s impartiality might reasonably be questioned[.]” Minn. Code Jud. Conduct Rule 2.11(A). The duty to ensure impartiality requires that a judge “avoid the appearance of impropriety and act to assure that parties have no reason to think their case is not being handled fairly.” *State v. Malone*, 963 N.W.2d 453, 464 (Minn. 2021). A district court’s decision to deny a motion to remove is reviewed for an abuse of discretion. *Haefele v. Haefele*, 621 N.W.2d 758, 766 (Minn. App. 2001), *rev. denied* (Minn. Feb. 21, 2001). An abuse of discretion occurs when the district court’s “decision is based on an erroneous view of the law or is inconsistent with the facts in the record.” *Stisser*, 818 N.W.2d at 508. We presume that a judge properly discharged their duties. *Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008).

In the district court, Michael argued that the unusual and informal procedural decisions, most specifically the apparent entry of final judgment in July 2023, would cause a “reasonable neutral observer . . . to question the Court’s partiality.” The district court

⁶ Michael asserts that he takes no position as to whether there is *actual* bias or partiality by the judge.

judge and the chief judge, on reconsideration, each considered written briefs and oral arguments on the issue of the district court judge's removal before rendering decisions that showed close and careful consideration of Michael's arguments. The chief judge noted that Michael's claims centered chiefly around the mistaken entry of final judgment and concluded that a judge making a mistake is not sufficient evidence of an appearance of impartiality. The chief judge further concluded that Michael's arguments are unpersuasive because judicial rulings are very rarely evidence of judicial bias or partiality. This is consistent with prior decisions of this court. *See Olson v. Olson*, 392 N.W.2d 338, 341 (Minn. App. 1986) ("Prior adverse rulings . . . clearly cannot constitute bias[.]"). Because the district court's conclusions are supported by the record and consistent with caselaw, it did not abuse its discretion by denying both the motion for removal and the motion for reconsideration.

Turning to the arguments that Michael makes for the first time on appeal, he maintains that the proceedings that followed the remand and the order appointing Janet resulted in an appearance of partiality. Michael contends that the district court's decision to make findings of fact and appoint Janet as successor trustee without allowing discovery or the formal admission of evidence projects an appearance of impartiality beyond that which existed at the time of his initial removal motion. We construe these arguments as a claim of judicial bias. Because these arguments were not presented to the district court, they may be forfeited. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) ("A reviewing court must generally consider only those issues that the record shows were presented and considered by the [district] court in deciding the matter before it." (quotation

omitted)). But even if we were to consider this argument, we discern no appearance of partiality.

Minnesota judges are required to perform their duties “without bias or prejudice.” Minn. Code Jud. Conduct Rule 2.3(A). Reviewing Michael’s claims of judicial bias de novo, *see State v. Dorsey*, 701 N.W.2d 238, 246 (Minn. 2005), we are unpersuaded. As we already concluded, the district court acted within its discretion in this case. Moreover, to be disqualifying, bias or prejudice “must stem from an extrajudicial source,” resulting in an opinion “on some basis other than what the judge learned from [their] participation in the case.” *In re Est. of Lange*, 398 N.W.2d 569, 573 (Minn. App. 1986). Michael does not make any arguments of that nature and instead only points to the decisions the district court judge made in this case. *See Olson*, 392 N.W.2d at 341. Because we conclude that the district court judge exhibited no impermissible judicial bias, we decline to grant Michael relief on that basis.

Affirmed.