

*This opinion is nonprecedential except as provided by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
A25-1232**

In the Marriage of:

Todd Charles Sherette, petitioner,
Respondent,

vs.

Melissa Ann Sherette,
Appellant.

**Filed April 6, 2026
Affirmed
Bentley, Judge**

Scott County District Court
File No. 70-FA-23-3258

Kathryn M. Lammers, Courtney Latcham, Heimerl & Lammers, LLC, Minnetonka,
Minnesota (for respondent)

Melissa Ann Sherette, Jordan, Minnesota (self-represented appellant)

Considered and decided by Frisch, Chief Judge; Ede, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

Appellant challenges numerous aspects of the district court’s judgment dissolving her marriage to respondent, including the district court’s custody determination for their then-minor child, its award of transitional spousal maintenance, and its division of the

parties' property. Because we see no basis to conclude that the district court abused its discretion or otherwise erred, we affirm.

FACTS

Appellant Melissa Sherette and respondent Todd Sherette were married for nearly 26 years. Together, they have two sons. The younger son was 17 years old at the time of the district court's decision, but he is now over 18. The family lived together in the family home in Jordan, Minnesota, until early 2023. Todd filed for dissolution of the marriage in March 2023. During the dissolution proceedings, the parties participated in psychological assessments and Melissa underwent an employability assessment. The employability assessor concluded that Melissa was qualified for a job in finance as a paraplanner and calculated her corresponding earning potential as \$50,000 to \$60,000 per year, with potential for higher earnings if she were to obtain licensure.

The district court held a three-day trial in February 2025. The parties presented documentary evidence and offered testimony from eight witnesses, including Todd, Melissa, and both sons. The resulting May 2025 judgment awarded the parties joint legal custody of their then-minor child and awarded Todd sole physical custody of the child with designated parenting time to Melissa. The judgment also divided the couple's marital assets with the marital home going to Todd, awarded transitional spousal maintenance to Melissa for three years in the amount of \$2,000 per month, and awarded \$1,500 in conduct-based attorney fees to Todd. When calculating Melissa's spousal maintenance, the district court considered Melissa's employability assessment and found that she was "voluntarily

unemployed in bad faith.” As a result, it imputed income consistent with that assessment to her. The district court denied Melissa’s request for need-based attorney fees.

In reaching those determinations, the district court made numerous findings of fact. Those findings of fact included adverse credibility findings against Melissa. For example, the district court found, with respect to both parties’ allegations of domestic abuse, that “[t]he Court did not receive any credible evidence reflecting [Melissa] has any fear of [Todd]. Although [Melissa] testified about [Todd] committing domestic violence against her, there was nothing to corroborate this and [Melissa] appears to instigate most of their conflict.” The district court also made findings about the assets and property of Todd and Melissa, which will be detailed as relevant below. After the district court entered the judgment and decree (J&D), Todd sought, and the district court granted, a Qualified Domestic Relations Order (QDRO) regarding the division of a retirement fund as ordered in the J&D.¹

Melissa appeals the May 2025 J&D.

DECISION

Melissa challenges multiple aspects of the J&D. Before reaching those issues, we explain a limitation on our review in light of the fact that Melissa did not provide this court with transcripts of any of the district court proceedings.

“An appellant has the burden of providing an adequate record for appeal.” *Custom Farm Servs., Inc. v. Collins*, 238 N.W.2d 608, 609 (Minn. 1976). Thus, “[i]t is an

¹ Melissa filed a separate appeal of the QDRO with this court, challenging its compliance with the J&D at issue here.

appellant's burden to provide any transcript necessary for appellate review." *In re Civ. Commitment of Johnson*, 931 N.W.2d 649, 658 (Minn. App. 2019), *rev. denied* (Minn. Sept. 17, 2019); *see Mitterhauser v. Mitterhauser*, 399 N.W.2d 664, 667 (Minn. App. 1987) (applying *Collins* in a family-law appeal). This burden is not relieved simply because an appellant proceeds as a self-represented litigant. "When an appellant acts as attorney pro se, appellate courts are disposed to disregard defects in the brief, but that does not relieve appellants of the necessity of providing an adequate record and preserving it in a way that will permit review." *Thorp Loan & Thrift Co. v. Morse*, 451 N.W.2d 361, 363 (Minn. App. 1990), *rev. denied* (Minn. Apr. 13, 1990).

Melissa has not provided an adequate record because she did not request transcripts of the proceedings in the district court. "When an appellant fails to provide a transcript, the reviewing court is limited to deciding whether the [district] court's conclusions of law are supported by the findings." *Mesenbourg v. Mesenbourg*, 538 N.W.2d 489, 492 (Minn. App. 1995). That means, in reviewing Melissa's arguments on appeal, we cannot consider her challenges to the district court's fact-finding and, instead, we must assume that the district court's findings are correct. *Duluth Herald & News Tribune v. Plymouth Optical Co.*, 176 N.W.2d 552, 555 (Minn. 1970) (noting lack of a transcript precludes review of factual questions). Our review is limited to whether the district court properly exercised its discretion in applying the law to those findings. *Mesenbourg*, 538 N.W.2d at 492.

With that framing in mind, we turn to Melissa's arguments. Her challenges to the district court's J&D fall into six categories: (1) arguments relating to her children, child custody, and parenting time; (2) a dispute regarding the valuation date used by the district

court; (3) disagreements with the district court’s spousal maintenance award; (4) issues relating to the district court’s division of property; (5) a dispute over the district court’s award of conduct-based attorney fees to Todd; and (6) claims of judicial bias. We address each category in turn.

I

We understand Melissa to be requesting various forms of relief from the J&D as it relates to her children.

First, she asks this court to order her older son to attend family therapy. Because the older son is an adult, however, neither this court nor the district court has jurisdiction to address issues relating to child custody and parenting time. For purposes of custody determinations, the definition of “child” is “an individual under 18 years of age” or “an individual under age 20 who is still attending secondary school.” Minn. Stat. § 518A.26, subd. 5 (2024). The statute governing parenting time likewise applies only “during the minority of the child.” Minn. Stat. § 518.175, subd. 1(a) (2024). The older son does not fit within any of these categories. Because he is an adult, there is no relief a court can afford to Melissa as it relates to him and we decline to reach her request as it is moot. *See Winkowski v. Winkowski*, 989 N.W.2d 302, 308 (Minn. 2023) (holding that issues are moot “when a decision on the merits is no longer necessary or an award of effective relief is no longer possible” (quotation omitted)); *Tamburino v. Freeman*, 24 N.W.3d 318, 326 (Minn. App. 2025) (noting that this court generally does not decide moot questions).

Second, we understand Melissa to challenge the district court’s custody and parenting-time determination relating to the younger son, including arguing that the district

court should have ordered Todd to undergo a psychological evaluation. Todd argues that, because the younger son is now 18 years old, these arguments are similarly moot.

It appears as though the younger son may still meet the definition of a child as “an individual under age 20 who is still attending secondary school,” for purposes of Minnesota Statutes section 518 and 518A. Minn. Stat. § 518A.26, subds. 1, 5 (2024). Todd does not address this provision or advance an argument why it does not apply to the issues in this proceeding. We therefore address Melissa’s custody challenge with respect to the younger son on the merits.²

A district court has broad discretion to determine the custody of the parties’ children. *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). Without the transcripts, we cannot review the factual findings that underlie the district court’s custody determination. *Mesenbourg*, 538 N.W.2d at 492. Instead, we review for an abuse of discretion, looking only to whether the district court improperly applied the law. *Pikula v. Pikula*, 374 N.W.2d 705, 710 (Minn. 1985). In doing so, we are cognizant that “there is scant if any room for this court to question a district court’s balancing of best-interests considerations. *In re*

² We have concerns that, were we to conclude that the district court abused its discretion, the district court would lack the power to offer any relief based on the limitations imposed by Minnesota Statutes section 518.155 (2024). That statute prevents the district court from amending a child custody order when the district court would lack jurisdiction under the provisions of Minnesota Statutes chapter 518D, which limits custody proceedings to children, defined as “an individual who has not attained 18 years of age.” Minn. Stat. § 518D.102(c) (2024). However, because the parties do not address this provision and we conclude that the district court did not abuse its discretion on the merits, we do not decide its applicability here.

Welfare of C.F.N., 923 N.W.2d 325, 334 (Minn. App. 2018) (quotation omitted), *rev. denied* (Minn. Mar. 19, 2019).

We see no indication that the district court misapplied the law when making its custody determination. The district court weighed and considered all 12 best-interests factors as required by Minnesota Statutes section 518.17, subdivision 1(a) (2024). On review, we defer to the district court's weighing of those factors. *C.F.N.*, 923 N.W.2d at 334. We discern no other error of law, and Melissa has pointed to none. Looking specifically to Melissa's request that Todd be ordered to complete a psychological evaluation for purposes of the child custody determination, the record reflects that Todd underwent an evaluation with the same evaluator who worked with Melissa. The district court reviewed that evaluation and considered it in its analysis of the best-interests factors, referencing it multiple times.

Third, Melissa requests additional spousal maintenance, so that she can cover health insurance costs for the younger son who moved in with her after turning 18 years old. We cannot reach this argument because it was not presented to the district court and turns on facts that are not in the record on appeal. *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988) ("An appellate court may not base its decision on matters outside the record on appeal, and may not consider matters not produced and received in evidence below.").

For these reasons, Melissa is not entitled to relief from the J&D on issues relating to child custody or parenting time.

II

Melissa takes issue with the valuation date used by the district court for purposes of dividing the parties' marital assets. She argues that the district court should have used a valuation date based on the start of the February 2025 trial rather than the March 31, 2023 date to which the parties previously had stipulated. She contends that the March 2023 date is unfavorable to her because "she is unable to build on her retirement with salaried income," and she requests that we move the valuation date to help compensate for that discrepancy.

With respect to setting a valuation date, Minnesota law provides:

The court shall value marital assets for purposes of division between the parties as of the day of the initially scheduled prehearing settlement conference, unless a different date is agreed upon by the parties, or unless the court makes specific findings that another date of valuation is fair and equitable.

Minn. Stat. § 518.58, subd. 1 (2024). Within that framework, a district court has broad discretion in setting reasonable valuation dates. *See Desrosier v. Desrosier*, 551 N.W.2d 507, 510 (Minn. App. 1996). We review its decision for an abuse of discretion. *See id.* If the district court articulates specific findings explaining its choice of date and those findings are not clearly erroneous, the district court will not have abused its discretion. *See Grigsby v. Grigsby*, 648 N.W.2d 716, 720 (Minn. App. 2002) (holding that the district court did not abuse its discretion in setting marital property valuation date "[b]ecause the district court made specific findings that explained its rationale" and "those findings are not clearly erroneous").

Here, the district court explained that the valuation date it used was agreed upon by the parties in an April 2023 stipulation and is more appropriate than the date proposed by Melissa because “both spreadsheets provided by the parties and their supporting documents for assets were from around March 31, 2023.” The district court’s reasoning is consistent with the record, which shows that both parties stipulated to the March 2023 valuation date. It is also consistent with the statutory language allowing parties to agree on a valuation date. Minn. Stat. § 518.58, subd. 1. Accordingly, we discern no abuse of discretion by the district court in using the March 2023 valuation date to which the parties agreed, rather than the February 2025 date later requested by Melissa.

III

Next, Melissa challenges the district court’s spousal maintenance award of \$2,000 per month for three years and instead seeks indefinite spousal maintenance in the amount of \$7,050 per month. Todd responds that the district court’s findings are supported by the record and that the spousal maintenance award was not an abuse of discretion.

Spousal maintenance is defined by statute to mean “payments from the future income or earnings of one spouse for the support and maintenance of the other.” Minn. Stat. § 518.003, subd. 3a (2024). If a party requests spousal maintenance, a district court must engage in a two-step analysis. First, a district court considers whether the spouse seeking spousal maintenance has made a “showing of need.” *Curtis v. Curtis*, 887 N.W.2d 249, 252 (Minn. 2016). A showing of need may be established on at least one of three grounds, demonstrating that the spouse seeking maintenance

(a) lacks sufficient property, including marital property apportioned to the spouse, to provide for reasonable needs of the spouse considering the standard of living established during the marriage, especially, but not limited to, a period of training or education;

(b) is unable to provide adequate self-support, after considering the standard of living established during the marriage and all relevant circumstances; or

(c) is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

Minn. Stat. § 518.552, subd. 1 (2024). In evaluating a need for spousal maintenance, the district court may consider the possibility of employment income or investment income or a combination of both. *See id.*, subd. 2 (2024); *Curtis*, 887 N.W.2d at 252.

Second, if a party demonstrates a need for spousal maintenance, the district court may award spousal maintenance “in amounts and for periods of time, either transitional or indefinite, as the court deems just, . . . after considering all relevant factors.” Minn. Stat. § 518.552, subd. 2; *see also Erlandson v. Erlandson*, 318 N.W.2d 36, 39-40 (Minn. 1982) (discussing the statutory factors). Eight of the factors relevant to the amount and duration of spousal maintenance are prescribed by statute. *See* Minn. Stat. § 518.552, subd. 2(a)-(h).

“In general, [appellate courts] appl[y] an abuse-of-discretion standard of review to a district court’s decisions concerning the amount and duration of an award of spousal maintenance.” *Schmidt v. Schmidt*, 964 N.W.2d 221, 226 (Minn. App. 2021). A district court abuses its discretion “if it makes findings of fact that are not supported by the record, misapplies the law, or resolves the matter in a manner that is contrary to logic and the facts on record.” *Madden v. Madden*, 923 N.W.2d 688, 696 (Minn. App. 2019). We begin by

addressing Melissa’s challenge to the amount of spousal maintenance awarded and then reach the issue of duration.

Amount of Spousal Maintenance

The district court determined that Melissa had shown a need for spousal maintenance on two grounds: that she lacks sufficient property to provide for reasonable needs, Minn. Stat. § 518.552, subd. 1(a), and she is unable to provide adequate self-support, *id.*, subd. 1(b). In evaluating the amount of maintenance, the district court considered all eight statutory factors including, as relevant here, Melissa’s financial resources, the “time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, and the probability, given the party’s age and skills, of completing education or training and becoming fully or partially self-supporting,” and the standard of living during the marriage. Minn. Stat. § 518.552, subd. 2(a)-(c). Using the parties’ standard of living during the marriage, the district court found that Melissa’s reasonable monthly budget is \$5,500. The court also calculated and imputed a net monthly income of \$4,000 to Melissa based on the employability assessment conducted for the case. Based on that budget and imputed income, the district court calculated a monthly spousal maintenance award of \$2,000.

Melissa has not shown that the district court abused its discretion in setting that amount of spousal maintenance. Melissa does not assert any basis, aside from challenges to the district court’s fact-finding, that would establish an abuse of discretion. Without a transcript of the proceedings, we will not disturb the district court’s fact-finding with respect to its calculations of Melissa’s monthly budget and imputed income. *See Peterka*

v. Peterka, 675 N.W.2d 353, 357 (Minn. App. 2004) (“A district court’s determination of income for maintenance purposes is a finding of fact[.]”); *Mesenbourg*, 538 N.W.2d at 492 (providing that when appellant does not provide a transcript, appellate review is limited to the district court’s legal conclusions). We also will not revisit the district court’s finding that Melissa was “voluntarily unemployed in bad faith.” Taking those facts as true, as we must, the district court acted within its discretion in imputing income to Melissa based on the employability assessment. *See Hecker v. Hecker*, 543 N.W.2d 678, 681 (Minn. App. 1996) (establishing that a district court may impute income to an individual who had willfully failed to rehabilitate), *aff’d*, 568 N.W.2d 705 (Minn. 1997). As noted above, absent a transcript, this court does not review a district court’s findings of fact.

Duration of Spousal Maintenance

Having determined that the amount of the district court’s spousal maintenance award was not an abuse of discretion, we consider the district court’s limitation of spousal maintenance to three years. The appropriate duration for spousal maintenance payments depends largely on the length of the marriage. Minn. Stat. § 518.552, subd. 3(a)-(c) (2024). For marriages lasting “20 years or more,” there is a rebuttable presumption “that indefinite maintenance should be awarded.” *Id.*, subd. 3(c)(3).

Because Melissa and Todd were married for more than 20 years, the rebuttable presumption applies. The district court acknowledged that presumption but determined after considering all the factors that Todd had rebutted the presumption and demonstrated that indefinite spousal maintenance is inappropriate. In its explanation on this point, the district court mentioned that Melissa has the ability to work and is employable but, “despite

being told numerous times and being imputed income in February 2024 by this Court, has refused to apply for even one job,” instead remaining unemployed in what the court found as bad faith. Considering the district court’s broad discretion in granting spousal maintenance and its careful consideration of all the applicable statutory factors, we discern no abuse of discretion in the district court’s determination that the presumption of indefinite spousal maintenance was rebutted here.

Before turning to the next issue, we acknowledge that Melissa takes issue with the district court’s finding that she was not the victim of domestic abuse by Todd. We understand Melissa to argue that the alleged abuse supports an increased award of spousal maintenance. As we have explained, however, because Melissa did not provide transcripts from the trial, we cannot review the district court’s fact-findings, including its credibility determinations and its finding that Melissa did not experience domestic violence. Melissa does not assert arguments relating to the domestic-violence allegation that fall within our abuse-of-discretion review in the absence of a transcript. *See Mesenbourg*, 538 N.W.2d at 492 (considering only “whether the [district] court’s conclusions of law are supported by the findings”).

In sum, Melissa has not shown that the district court abused its discretion by awarding transitional spousal maintenance to her in the amount of \$2,000 per month for three years.

IV

Melissa seeks relief from the district court’s division of property on three bases. First, she challenges the district court’s award of the marital home to Todd. Second, she

argues that the district court should have designated a \$10,000 gift she received from her grandmother as nonmarital property. Third, Melissa seeks to reclaim personal property that was awarded to Todd. We address each issue in turn.

A

Melissa asks this court to reverse the district court's grant of the marital home to Todd. By statute, the district court must "make a just and equitable division of the marital property of the parties without regard to marital misconduct, after making findings regarding the division of the property." Minn. Stat. § 518.58, subd. 1. The statute further directs that "[t]he court shall base its findings on all relevant factors." *Id.* A district court has "broad discretion regarding the division of property," and its division of property "will only be reversed on appeal if the [district] court abused its discretion." *Lee v. Lee*, 775 N.W.2d 631, 637 (Minn. 2009). In reviewing the district court's conclusion here, we can inquire only into whether it properly and logically applied the law. *See Sirek v. Sirek*, 693 N.W.2d 896, 898 (Minn. App. 2005) ("District courts have broad discretion over the division of marital property and appellate courts will not alter a district court's property division absent a clear abuse of discretion or an erroneous application of the law."). As with the issue of spousal maintenance, to the extent that Melissa asks this court to reconsider the district court's findings regarding domestic violence and use that factor in determining who should receive the marital home, we cannot do so given the absence of an adequate record on appeal.

In its order, the district court provided two reasons for awarding the marital home to Todd:

First, under this order, [Todd] will be awarded all of the parenting time overnights, meaning that both the minor child . . . and adult child . . . will be able to remain in the home they were raised in full-time. . . . Second, [Todd] is the only party who can reliably afford the marital home.

In addition to articulating those two reasons, the district court made lengthy findings on this issue that, for reasons previously explained, are not subject to our review. The district court’s reasoning demonstrates that, consistent with the statute, the district court considered “all relevant factors,” such as the interests of the children and each party’s ability to afford and maintain the home. Minn. Stat. § 518.58, subd. 1. Because the district court’s decision was logical and consistent with the law, it did not abuse its discretion, and Melissa is not entitled to relief on this issue.

B

Melissa challenges the district court’s determination that a brokerage account held jointly and valued at \$111,576 is marital, rather than nonmarital, property. Melissa contends that she owns the account in its entirety and has evidence that it was the result of her investment of a \$10,000 gift from her grandmother that grew passively over time. She explains that she is therefore seeking “the full investment amount of her grandmother’s gifted money.”

Property acquired by one spouse as a gift from a third party is generally considered nonmarital property. Minn. Stat. § 518.003, subd. 3b(a) (2024). But “[w]hen nonmarital and marital property are commingled, the nonmarital investment may lose that character unless it can be readily traced.” *Wiegers v. Wiegers*, 467 N.W.2d 342, 344 (Minn. App. 1991). The party seeking to have property classified as nonmarital, in this case Melissa,

bears the burden of proving “by a preponderance of the evidence that the asset is readily traceable to a nonmarital source.” *Hafner v. Hafner*, 406 N.W.2d 590, 593 (Minn. App. 1987). Whether property is marital or nonmarital is a question of law that this court reviews independently, but we give “deference to the district court’s findings of fact.” *Baker v. Baker*, 753 N.W.2d 644, 649 (Minn. 2008). Separately, “[w]hether a nonmarital interest has been traced is . . . a question of fact.” *Kerr v. Kerr*, 770 N.W.2d 567, 571 (Minn. App. 2009).

Applying that standard here and because of the limited record on appeal, we must accept the district court’s finding that Melissa’s claimed nonmarital interest in the brokerage account was not properly traced and that there was “no evidence that marital funds had not been added to the account.” Under those factual circumstances, the district court was within its discretion in determining that the nonmarital investment had lost its character because it could not be “readily traced.” *Wiegers*, 467 N.W.2d at 344. For that reason, Melissa has not shown that the district court erred in determining that the \$10,000 gift and the rest of the brokerage account were part of the marital funds and dividing the account accordingly.

C

Melissa maintains that she “submitted the almost identical personal property items in discovery that was awarded to Todd” and that she “seeks those items in her discovery.” We construe her statement as a challenge to the district court’s division of personal property.

As established above, the district court has wide discretion to “make a just and equitable division of the marital property,” and must consider “all relevant factors” when making those decisions. Minn. Stat. § 518.58, subd. 1; *Lee*, 775 N.W.2d at 637. Here, the district court considered both parties’ personal property requests. Todd submitted a list with a particular focus on furniture and other necessities for the marital home while Melissa submitted a list that was “23 pages, landscape, single spaced.” When making its determination about dividing the property, the district court stated,

Because [Todd] is receiving the homestead and has both children residing with him, he should retain their bedroom items so it stays furnished. [Todd’s] proposed items that he wants to keep are reasonable, especially in comparison to the list provided by [Melissa]. [Melissa] should get the remaining marital property not listed above.

Those conclusions and the district court’s further discussion of the subject in its order show that, consistent with the law, the district court considered “all relevant factors” before dividing the personal property. Minn. Stat. § 518.58, subd. 1. We also see no evidence that the district court was acting against logic. So, Melissa has not shown that the district court abused its discretion, and she is not entitled to relief on this basis.³

³ Melissa also requests that we order the parties to “amicably divide the remaining assets,” but she does not specify what the remaining assets are, or which assets were awarded to Todd that, in her view, should have been awarded to her. We also see no indication that Melissa requested this remedy from the district court at trial. Regardless, it was well within the district court’s discretion to divide all the personal property between Melissa and Todd rather than leave it to the parties to make those decisions. We will not disturb that determination on appeal.

V

Melissa also asks us to reverse the district court’s award of conduct-based attorney fees to Todd and requests, instead, that she be awarded conduct-based attorney fees to cover her outstanding attorney costs. Melissa did not request conduct-based attorney fees in the district court and only asked for need-based fees, so we will not consider that aspect of her argument on appeal. *See Doe 175 ex rel. Doe 175 v. Columbia Heights Sch. Dist., ISD No. 13*, 842 N.W.2d 38, 42 (Minn. App. 2014) (noting that “[i]t is an elementary principle of appellate procedure that a party may not raise an issue or argument for the first time on appeal and thereby seek appellate relief on an issue that was not litigated in the district court”). We turn to her challenge to the district court’s award of \$1,500 in conduct-based fees to Todd.

Conduct-based fee awards “are discretionary with the district court.” *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 295 (Minn. App. 2007); *see also* Minn. Stat. §§ 518.14, subd. 1a (stating that conduct-based fees “may” be awarded against a party who unreasonably contributes to the length or expense of the proceeding), 645.44, subd. 15 (stating that “may” is permissive) (2024). In the context of reviewing a conduct-based award of attorney fees, “[a]mong other ways, a district court abuses its discretion if it acts against logic and the facts on record, or if it enters fact findings that are unsupported by the record, or if it misapplies the law.” *In re Adoption of T.A.M.*, 791 N.W.2d 573, 578 (Minn. App. 2010) (quotation and citation omitted).

In awarding Todd conduct-based fees, the district court, referencing Minnesota Statutes section 518.14, subdivision 1a, recognized that an award of conduct-based fees

may be appropriate “if it determines, in its discretion, that a party’s actions contributed unreasonably to the length or expense of the proceeding.” Applying that law, the district court found:

[Melissa] has unreasonably increased this proceeding’s length and costs. [Melissa] has taken unreasonable positions, unsupported by the law, and has resulted in a trial on all issues in this case. . . . One example of [Melissa’s] delay through an unreasonable position is her opposition to even seeking employment in spite of not claiming an inability to work. This resulted in the need for a costly employability assessment. These costs were necessitated by [Melissa’s] unreasonable position.

The district court’s characterization of the law was accurate, and after analyzing Melissa’s conduct, it made the requisite findings under the law that she “unreasonably contribut[ed] to the length or expense of the proceeding.” Minn. Stat. § 518.14, subd. 1a. Because the district court correctly applied the law and its determination is not against logic, the district court did not abuse its discretion in awarding conduct-based attorney fees to Todd.

VI

As a final matter, Melissa argues that the district court judge was biased against her and that we should order a new trial. Melissa alleges that the judge exhibited multiple showings of bias including, among other allegations, rushing Melissa during court hearings; rolling eyes when she was speaking; at the end of Zoom hearings, “star[ing] at the Appellant until the Appellant disconnected from the Zoom hearings, making the Appellant intimidated”; finding that Melissa was not a victim of domestic abuse; and referencing her expunged criminal history.

Minnesota judges are required to perform their duties “without bias or prejudice.” Minn. Code Jud. Conduct Rule 2.3(A). To be disqualifying, such 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). Adverse rulings alone do not constitute bias. *Olson v. Olson*, 392 N.W.2d 338, 341 (Minn. App. 1986). Appellate courts review allegations of judicial bias de novo. *State v. Reek*, 942 N.W.2d 148, 156 (Minn. 2020).

Looking at Melissa’s allegations of bias, the examples she offers do not constitute bias under the code of judicial conduct. Melissa refers to “evidence” of bias but none of this evidence stems from an “extrajudicial source.” *Lange*, 398 N.W.2d at 573. A display of irritation or disapproval by a judge “does not ordinarily justify disqualification.” *Hooper v. State*, 680 N.W.2d 89, 93-94 (Minn. 2004). The district court’s finding that Melissa was not a victim of domestic abuse amounts to an adverse ruling that similarly does not constitute disqualifying bias. *Olson*, 392 N.W.2d at 341. And we see no indication in the order that the district court improperly relied on Melissa’s expunged criminal record. The district court’s three references to her criminal record in the J&D were limited, appropriate within the context, and focused on the underlying facts rather than the charge itself. The district court also acknowledged the expungement. We are not convinced that those references were inappropriate or show bias in violation of the code of judicial conduct.

As a final note, we have independently reviewed the record available to us on appeal and do not discern any judicial bias. We therefore decline to order a new trial on this basis.

Affirmed.