

*This opinion is nonprecedential except as provided by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
A25-1501**

In re the Marriage of:

Rosemary Christine Forschen King, petitioner,
Appellant,

vs.

Alexander James King,
Respondent.

**Filed April 20, 2026
Reversed
Smith, Tracy M., Judge**

Washington County District Court
File No. 82-FA-23-2787

Victoria M.B. Taylor, Reinke Taylor, PLLC, St. Paul, Minnesota (for appellant)

Alexander James King, Forest Lake, Minnesota (self-represented respondent)

Considered and decided by Connolly, Presiding Judge; Smith, Tracy M., Judge; and
Wheelock, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this marital-dissolution matter, appellant-wife Rosemary Christine Forschen King (Forschen) argues that the district court abused its discretion by disqualifying her counsel. We agree and reverse.

FACTS

This appeal arises from an order removing Forschen’s counsel Shawn Reinke amidst nearly resolved proceedings to enforce a dissolution decree between Forschen and respondent-husband Alexander James King (King). King was represented by counsel at times during the dissolution proceedings but was self-represented at the time of the order at issue here and is self-represented on appeal.

This dissolution matter began in 2023. At that time, Forschen was represented by different counsel. King filed several letters with the district court complaining about Forschen’s lawyer. In February 2024, Reinke replaced that lawyer as Forschen’s counsel. Soon thereafter, King began emailing Reinke, wishing death upon him and telling him that he should shoot himself. In May 2024, Reinke obtained a harassment restraining order (HRO) against King, prohibiting King from communicating with him except for purposes of the court proceedings. Reinke obtained the HRO from the district court in Stearns County—the county in which Reinke lives.

In November 2024, after the parties had reached agreement through mediation, the district court filed its findings of fact, conclusions of law, order for judgment, and judgment and decree (the J&D). The J&D required the parties to cooperate in the sale of the marital home and imposed a deadline for listing the home for sale.

When the deadline passed without action, Forschen filed a motion for contempt against King. An evidentiary hearing was held in June 2025 by videoconference. The transcript describes King as “[t]hrowing things and mouthing profanities on mute” and reflects that King interrupted Reinke’s closing argument, telling him to “[s]hut up.” On

July 16, the district court denied Forschen's contempt motion but, based on its findings and agreement of the parties, filed an order modifying the judgment and decree (the amended J&D). The amended J&D gave King the option to buy out Forschen's interest in the home. It also directed King to determine by July 31 whether he would buy out Forschen's interest and provided that, if he would not, the home must be sold as originally ordered.

To facilitate the issuance of the amended J&D, Reinke's law partner, Victoria Taylor, rather than Reinke, had authored the correspondence to the district court asking it to sign the proposed amended J&D. King responded by filing a letter with the district court stating that Forschen and "her God d-mn lawyers" should be thrown in jail.

On August 4, 2025, Reinke wrote King, inquiring whether the buyout would occur or if instead the home would need to be sold. Instead of responding to that letter, King wrote the district court, asserting that he was being "harassed" by Reinke and directing numerous profanities at him, including:

EVERY F-CKING TIME I SEE THAT CORRUPT PIECE OF SH-T'S NAME ON ANOTHER GOD DAMN DOCUMENT, OR F-CKING EMAIL, I WANT TO DO WHATEVER IS F-CKING NECESSARY TO ENSURE THAT CORRUPT F-CK GET WHAT HE F-CKING DESERVES!

THROW THE SCUMBAG F-CK IN PRISON, THROW AWAY THE F-CKING KEY, OR BETTER YET, PUT THE F-CKER DOWN.

. . . .
KILL YOURSELF YOU CRIMINAL F-CK, YOUR CHILDREN WOULD BE BETTER OFF AS F-CKING ORPHANS, RATHER THAN HAVE A SCUMBAG LIKE YOU AS A F-CKING ROLE MODEL.

Reinke reported King's correspondence to the police in the town where Reinke lived, Paynesville. The Stearns County Attorney ultimately charged King with violating the HRO.¹

On August 17, King filed a motion for an order to show cause, requesting that the district court find Reinke in contempt and award a variety of sanctions. Two days later, without a hearing, the district court filed an order removing Reinke as counsel (the order). The order disqualified Reinke from further representation in the case, although it permitted his law firm to continue as counsel.

Forschen appeals.²

DECISION

A district court's decision to disqualify counsel is reviewed for an abuse of discretion. *State ex rel. Swanson v. 3M Co.*, 845 N.W.2d 808, 816 (Minn. 2014). A district court abuses its discretion if makes findings of fact unsupported by the record, improperly applies the law, or resolves the question in a manner that is contrary to logic and the facts on record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). Findings of fact underlying a disqualification decision are reviewed for clear error, and the district court's

¹ Over the course of this matter, in addition to filing numerous letters with the district court attacking Reinke personally and professionally, King also filed a complaint against Reinke with the Minnesota Office of Lawyers Professional Responsibility, which conducted and then closed an investigation after determining that discipline was not warranted. In some of King's letters filed with the district court, King requested sanctions and disqualification of Reinke for conflict of interest.

² An order disqualifying counsel is independently appealable under Minn. R. Civ. App. P. 103.03(g). *In re Est. of Janecek*, 610 N.W.2d 638, 642 (Minn. 2000).

interpretations of court rules are reviewed de novo. *Niemi v. Girl Scouts of Minn. & Wis. Lakes & Pines*, 768 N.W.2d 385, 387 (Minn. App. 2009).

Attorney disqualification is a “special proceeding under the court’s inherent power to supervise the attorneys who appear before it.” *Janecek*, 610 N.W.2d at 642. Violation of the Minnesota Rules of Professional Conduct may be grounds for disqualification. *See Swanson*, 845 N.W.2d at 821 (citing *Lennartson v. Anoka-Hennepin Indep. Sch. Dist. No. 11*, 662 N.W.2d 125, 129 (Minn. 2003)).

In the order, the district court found that completion of the case had been “thwarted by the animosity between [King] and [Reinke].” It stated that it had expressed its concern that Reinke’s “presence on the case was a hindrance to the matter being concluded,” and that, “[d]espite that expressed concern, the chief of police in Paynesville, where [Reinke] is mayor, has filed additional criminal charges against [King] as recently as last week for communication that occurred solely through electronic means with no suggestion that [King] was ever in Paynesville.” It further stated that it was “concerned” by Reinke’s choice to pursue an HRO in Stearns County, rather than in Washington County “where [King] resides, this action is venued, and [Reinke] does not have special status.” The district court stated that Reinke’s report to the Paynesville Police Department “created even more concern for the Court due to an appearance of impropriety that has impeded the resolution of this case.” The district court explained that it was “not able to discern whether criminal charges would have been filed if [Reinke] were not the mayor of Paynesville, but it can and does determine that the appearance of impropriety is impeding resolution of this case.” The district court wrote, “There is no doubt that [King] has difficulty controlling his

words when he is angry. [King] is a party to this action, however, and cannot be removed. [Reinke], who is a significant trigger of [King’s] antagonistic behavior, is not a party and can be removed from this case to facilitate its resolution.”

Forschen argues that the district court abused its discretion by disqualifying Reinke. She contends that the district court relied on “nonexistent legal standards” and did not rely on any rule of professional conduct warranting disqualification. She also challenges the district court’s action in disqualifying her counsel without a hearing.

Appearance of Impropriety

Forschen argues that the district court applied a nonexistent legal standard when it relied on the effects of an “appearance of impropriety” by Reinke in petitioning for an HRO against King and seeking to enforce it in Stearns County, where Reinke is mayor of Paynesville, rather than in Washington County. As an initial matter, an HRO may be filed, and violations of it may prosecuted, in either the jurisdiction where the victim resides or the jurisdiction where the harassing communication was made. Minn. Stat. § 609.748, subds. 2(d), 6(f) (2024). It is not evident why Reinke’s decision to file and pursue enforcement in his local jurisdiction would be considered improper, even if he serves as mayor in Paynesville.

Moreover, as Forschen points out, “[t]he Minnesota Rules of Professional Conduct do not require an attorney to avoid an appearance of impropriety.” This obligation is limited to judicial officers under Minnesota Code of Judicial Conduct Rule 1.2. As Forschen notes, while a few cases tangentially mention “the appearance of impropriety” in the attorney-disqualification context, those cases still ground their analysis in a rule of professional

conduct. *See Lennartson*, 662 N.W.2d at 131; *State v. Patterson*, 796 N.W.2d 516, 524, 527 (Minn. App. 2011), *aff'd*, 812 N.W.2d 106 (Minn. 2012). The district court mentioned no such rule here.

Ethical Rules

Forschen argues that the district court abused its discretion because it did not cite any violations of the ethical rules. Disqualification is generally based on either conflicts of interest or attorneys testifying as witnesses under four Minnesota Rules of Professional Conduct: rule 1.7 (conflicts of interest with concurrent clients), rule 1.9 (conflicts of interest with former clients), rule 1.10 (imputed conflicts of interest), and rule 3.7 (attorneys as witnesses). *See, e.g., Minneapolis Police Officers Fed'n v. City of Minneapolis*, 488 N.W.2d 817, 820 (Minn. App. 1992), *rev. denied* (Minn. Sept. 15, 1992) (rule 1.7); *Niemi*, 768 N.W.2d at 387 (rule 1.9); *Lennartson*, 662 N.W.2d at 129 (rule 1.10); *Humphrey ex rel. State v. McLaren*, 402 N.W.2d 535, 541 (Minn. 1987) (rule 3.7). Here, the order and underlying record do not support that Reinke had a conflict of interest or would testify as a witness.

King argues that Reinke's conduct, particularly in filing an HRO against King, constitutes a conflict of interest that justifies disqualification. King claims that, during the evidentiary hearing on the motion for contempt, the district court "indicated that [Reinke's] conduct appeared to create a conflict of interest in his representation of [Forschen], and requested he withdraw." But this misconstrues the district court's statements. At the hearing, the district court recognized that the "animosity" between King and Reinke was causing "negative progress" and suggested that Reinke's withdrawal would help. This

“animosity” differs from the conflicts of interest prohibited by the rules because Reinke never represented King. Most of the conflict-of-interest rules govern representation of multiple parties involved in the same case. *See* Minn. R. Prof. Conduct 1.7, 1.9, 1.10. That did not occur here. And, to the extent that the HRO against King could be considered Reinke’s “personal interest” that would “materially limit[]” his representation of Forschen under rule 1.7(a)(2), the HRO explicitly allowed communication for the purposes of resolving the dissolution. This provision avoided any material limitation. Moreover, the order mentions none of the professional rules regarding conflicts of interest. Because none of the rules regarding conflict of interest apply here, they cannot justify Reinke’s disqualification.

It is also unlikely that disqualification was based on Reinke being called as a witness. While King did list Reinke on his witness list for the evidentiary hearing on the motion for contempt, the district court decided to “cross that bridge when [they] [came] to it.” And, because Reinke was never called to testify at the hearing, the issue never arose again. Furthermore, the district court made no mention of Reinke testifying in the order and focused instead on his allegedly “impeding” conduct.

The district court’s reasoning could indicate that it disqualified Reinke under Minnesota Rule of Professional Conduct 3.5(h), which states that “[a] lawyer shall not engage in conduct intended to disrupt a tribunal.” The district court’s concern regarding Reinke’s filing of the HRO and pursuing enforcement in Stearns County could be construed as a finding that Reinke engaged in conduct that was intended to disrupt the tribunal. But the record does not support such a finding. Considering the content of King’s letters

personally attacking Reinke and asking him to commit suicide, Reinke was justified in filing for the HRO. Furthermore, the HRO itself explicitly exempted communications for resolving the dissolution matter. Nothing beyond King's bare accusations indicates that Reinke intended to disrupt the proceedings. And the record reflects that Reinke was trying to bring the buyout or sale of the home to fruition. The record does not support that Reinke intended to disrupt the case.

We are sympathetic to the difficulty in managing this case and the desire to bring it to resolution. But a party has a "substantial right to be represented by its attorney of choice." *Janecek*, 610 N.W.2d at 642. And caselaw recognizes that "disqualification motions are particularly susceptible to abuse as a litigation tactic." *Swanson*, 845 N.W.2d at 818. King made numerous accusations against Forschen's previous attorney, sent numerous accusatory and threatening communications to Reinke, and—when Taylor rather than Reinke communicated in the case—communicated that he thought that Taylor, too, should be thrown in jail. The record amply demonstrates King's hostility to Forschen's lawyers, regardless of who is serving in that role. As for Reinke, the district court cited only his conduct in petitioning for an HRO (which a district court granted) and his encouragement to enforce the HRO (which decision lay within the judgment of the Stearns County Attorney). Reinke's lawful decision to pursue those remedies in the jurisdiction in which he lives does not supply a basis for depriving Forschen of her substantial right to counsel of her choice. This is especially so when King's hostility apparently extends beyond Reinke to his law partner, which could result in Forschen having to find yet another lawyer.

For all these reasons, we conclude the district court abused its discretion by disqualifying Forschen's counsel. We need not address Forschen's argument that the district court abused its discretion by doing so without a hearing.

Reversed.