

Family Court Judges and Divorce Proceedings

As much as you might have hoped for a relatively amicable, out-of-court resolution to your divorce, sometimes it just doesn't work out. Maybe your ex is being stubborn about the division of your property, or maybe there's a child custody issue. So if you *are* headed to court, what can you expect the judge to be like?

In Minnesota, there are ten judicial districts. Your case will go to a family court judge for the judicial district in which you live. A district can comprise anywhere from 1 to 17 counties; for example, Blue Earth County is in the Fifth Judicial District, along with several other nearby counties including Nicollet, Martin & Nobles to name a few other counties (the 5th is one of the larger Minnesota judicial districts).



Family court judges in the Fifth Judicial District will hold an initial case management conference typically within 30 days of you filing a divorce action. This is the first time you will meet the judge in your case. Don't expect a formal, Law-and-Order-style proceeding here. The judge's goal at this conference is to get you and your almost-ex to resolve your differences in the most expedient way possible. That means the judge is going to want to have a down-to-earth, plain language discussion with you about what the issues are, what the stumbling blocks are, and what you might be willing to compromise on. If mediation looks like an option for your situation, the judge may order you there.

What is happening more and more is that it actually won't be a Judge that you'll see but instead a judicial referee. No, they don't wear a striped shirt and blow a whistle, instead a Referee as an attorney who has been appointed for a fixed term to handle family law matters in Minnesota. It's not much of a secret that many Judges in Minnesota don't particularly care for family law cases, there nasty and often don't settle, so instead what happens is that the Judges appoint these referees to handle the family law cases and free up their calendar for criminal and other civil matters.

Talking To The Judge Outside Of Court?

Not all cases can be resolved through mediation or similar services, so you may have more contact with your judge after the initial case management conference. From the department of "too soon, way too soon" was one recent Florida case where the judge sent a soon-to-be-ex-wife a Facebook friend request...while the woman's divorce proceeding was ongoing. In the judge's own courtroom. (The judge was later disqualified from the case.) In addition to the lessons that a judge might learn from that little incident, it also illustrates another point about your relationship with the judge during your divorce—don't try to communicate with the judge in any way outside of the presence of your ex or your ex's attorney. This is what's called an "ex parte communication" and it's not allowed.

Having an attorney can go a long way towards maintaining a smooth working relationship with the judge assigned to your case. Judges are busy, and the myriad of court rules governing document submissions exist for a reason—to make things flow more smoothly through the judge’s courtroom. While a judge may (but is not required to) grant you some leeway on filing everything correctly if you are unrepresented by an attorney, you may well end up with an exasperated judge after the nth incorrectly filed motion. Judges are indeed human, after all!

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