Compulsory Joinder Analysis
Civil Procedure—Gómez-Arostegui Fall 2026

1. Is the person or entity a "necessary" party under Rule 19(a)? Determine the answer by considering if:

   (A) in that person's absence, the court cannot accord complete relief among existing parties; or

   (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:

      (i) as a practical matter impair or impede the person's ability to protect the interest; or

      (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

2. If the person is <u>not</u> a necessary party, then they don't need to be joined (*i.e.*, included) in the lawsuit. But if a person <u>is</u> a necessary party, then they must ordinarily be joined in the lawsuit and will be joined, including by court order if necessary, unless the court determines that including them is not "feasible." The following renders joining a person as a party infeasible:

   a. Joining the person as a party would deprive the court of subject-matter jurisdiction, namely by destroying diversity jurisdiction; or

   b. The court would not have personal jurisdiction over the person proposed to be joined as a party and that person objects to personal jurisdiction; or

   c. The person proposed to be joined as a party is immune to the claims brought against them and the person does not consent to being sued; or

   d. The person proposed to be joined as a party objects to venue and including them would make venue improper.

3. If joining a necessary party is <u>not</u> feasible, the court must determine whether that necessary party is indispensable. (The rule doesn't use the word "indispensable" any more, it was removed in 2007 for "clarity," but I think it helps to continue to use it.) If the party <u>is</u> indispensable, then the court will dismiss the entire action under Rule 12(b)(7); the action cannot proceed without the indispensable party. If the "necessary" party is <u>not</u> indispensable, then the court will allow the action to proceed without them—we don't *really* need them. To determine whether someone is indispensable under 19(b), consider the following non-exclusive factors (all with a view to determining whether equity and good conscience calls for the case to proceed):

   (1) the extent to which a judgment rendered in the person's absence might prejudice that person or the existing parties;

   (2) the extent to which any prejudice could be lessened or avoided by:

      (A) protective provisions in the judgment;
      (B) shaping the relief; or
      (C) other measures;

   (3) whether a judgment rendered in the person's absence would be adequate; and

   (4) whether the plaintiff would have an adequate remedy if the action were dismissed for nonjoinder.