Rule 19 Flowchart

VIP?

AP Not necessary
AP not joined, MTD denied

AP Necessary
(Analysis continues below)

Carefully read 19(a)(1), which provides three separate bases for when an absent person ("AP") is required to be joined.
In traditional terminology, an AP required to be joined was called "necessary." If joinder of the AP was not necessary, the analysis ends. Otherwise, the analysis continues below.

Feasible?

If joinder of the AP is necessary, then they must be joined unless joinder is not feasible. See 19(a). This usually requires considering whether any defects in PJ, SMJ, or V would prevent joinder. If joinder of the AP is feasible, they must be joined. Otherwise, the analysis continues below.

Joinder of AP not Feasible
(Analysis continues below)

Joinder of AP is Feasible
AP is joined, MTD denied

Proceed without AP or Dismiss?

If joinder of the AP is necessary but not feasible, the court must move on to 19(b), and ask whether to proceed with the existing parties, or instead to dismiss the action. This is subject to the court's discretion ("equity and good conscience"), and looks to four non-exclusive factors. Traditionally, this was called asking whether the AP is "indispensable."

19(b) Factors suggest dismissal
MTD Granted

19(b) Factors suggest proceed
MTD Denied