

Rule 19. Joinder of Persons

(a) IN GENERAL. On a party's motion or on its own, the court must order the joinder of all indispensable persons and may order, on just terms, the joinder of other persons at any stage of the action.

(b) WHEN JOINDER IS NOT FEASIBLE. If a person who is required to be joined if feasible cannot be joined, the court must determine whether, in equity and good conscience, the action should proceed among the existing parties or should be dismissed. The factors for the court to consider include:

- (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.

COMMENT TO 2018 AMENDMENTS

This rule has been amended to conform to Civil Rule 19. The factors for the court to consider when deciding whether dismissal is appropriate have been moved from the comment to the text of the rule. The provision in the former rule for dismissal as well as joinder of other persons at any stage of the action was deleted. Dismissal of claims against persons is addressed in Rule 12.

COMMENT

SCR-Dom. Rel. 19 as amended consolidates the joinder provisions of former SCR-Dom. Rel. 19, 20 and 21. The amendments reflect the statutory framework for Domestic Relations actions, which provides for joinder in stated circumstances (e.g. D.C. Code § 16-4510 (additional parties in custody proceedings)). As to the joinder of indispensable persons, the factors to be considered by the Court may include: (1) the extent to which a judgment rendered in the person's absence might be prejudicial to the person or those already parties; (2) the extent to which the prejudice can be lessened or avoided by protective provisions in the judgment, by the shaping of relief, or other measures; (3) whether a judgment rendered in the person's absence will be adequate; and (4) whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder. Should a joinder issue arise which is not otherwise addressed, reference should be made to the applicable civil rule.