



1899 L Street, NW, Suite 1200
Washington, DC 20036

T 202.822.8282
F 202.296.8834

HOBBSSTRAUS.COM

April 15, 2026

GENERAL MEMORANDUM 26-018

Opportunities for Tribes and Tribal Organizations to Share Impacts of Department of Education Workforce Reductions and Interagency Program Transfers in *New York v. McMahon*

Following the May 22, 2025 order consolidating two cases challenging the Trump Administration’s efforts to reduce the Department of Education’s (“ED”) workforce and interagency program transfers, plaintiffs in the consolidated *New York v. McMahon* case filed amended complaints on November 25, 2025 and January 9, 2026 adding new facts and legal theories to their existing claims. Perhaps most critically for Indian Country, the plaintiff interest groups’ November 25, 2025 amended complaint specifically references the interagency agreement to transfer administration of Indian education programs to the Department of the Interior, arguing that constituencies are likely to see a degradation in education program services. Both amended complaints also reference the transfer of the Office of Elementary and Secondary Education and its formula grant programs to the Department of Labor. ED has not filed a response to the amended complaints and U.S. District Judge Myong J. Joun in the District of Massachusetts has deferred scheduling ED’s response deadline until the close of discovery.

The parties are currently making their final motions relating to discovery, with discovery to close as early as June 19, 2026. These final discovery motions seek to finalize ED’s administrative record prior to a ruling on the merits. Judge Joun previously ordered that the parties’ motions for summary judgment take place within thirty days following the close of discovery, following which time the parties will meet to establish the scheduling for filing of the motions for summary judgment.

We note that these developments signal that the window for tribes, tribal organizations, and tribally controlled schools to seek submission of an amicus brief is rapidly closing. Filing an amicus brief would provide tribes an opportunity to highlight the impacts the changes to ED may have on Indian education programs. While discretion in whether to grant leave to file amicus briefs rests with Judge Joun, courts may consider the stage of the proceedings, potential for prejudice or delay to the parties, and the usefulness of a brief in resolving the issues.¹ Accordingly, we find the latest period for filing a motion for leave to file an amicus brief will likely be at the motion for summary judgment phase immediately preceding a decision on the

¹ Although the District of Massachusetts has not articulated a standard governing motions for leave to file amicus briefs, courts in other jurisdictions may provide guidance on some of the factors typically considered. *See, e.g., Tatel v. Mt. Lebanon School District*, 2024 WL 980070, at *1 (W.D.Pa., 2024) (considering whether: (1) petitioner has a “special interest”; (2) the petitioner’s interest is represented; (3) the proffered information is timely and useful; (4) the petitioner is partial to the outcome of the case; as well as whether granting leave would cause a delay in the proceedings); *see also* *Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970) (finding that “the acceptance of amicus briefs is within the sound discretion of the court”).

merits. However, interested tribes and tribal organizations may want to consider filing sooner than later, especially if they intend to inform any final considerations relating to the development of the administrative record prior to the close of discovery.

Please let us know if we can provide you any additional information or assistance relating to the developments in the *New York v. McMahon* case.

###

Inquiries may be directed to:

Michael Willis (MWillis@hobbsstrauss.com)

Julie Combs (JCombs@hobbsstrauss.com)

Olga Symeonoglou (OSymeonoglou@hobbsstrauss.com)

Claire Newfeld (CNewfeld@hobbsstrauss.com)