



Stephen A. McEwen

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PRACTICES

Eminent Domain and Inverse
 Condemnation
 Litigation
 Public Law

EDUCATION

J.D., Stanford Law School, 1996
 B.A., Political Science, Stanford
 University, 1992

ADMISSION

State Bar of California
 United States Court of Appeals
 for the Ninth Circuit
 United States District Court for
 the Central District of California
 United States District Court for
 the Eastern District of California

AFFILIATIONS

Orange County Bar Association
 League of California Cities
 Public Safety Policy Committee,
 City Attorney Department
 Representative
 League of California Cities, Ad
 Hoc Cannabis Regulation
 Committee

Stephen A. McEwen joined Burke in 2003. Stephen currently serves as the Assistant City Attorney for the cities of Hemet and Atascadero. He previously served as City Attorney for Buellton and Laguna Woods and Assistant City Attorney for Stanton. In these roles, Stephen has drafted numerous ordinances and resolutions and has advised cities on a wide range of legal issues with a special emphasis on the Public Records Act, the Brown Act, and code enforcement. Stephen has also utilized his extensive constitutional law background to advise municipal clients on First Amendment and Fourteenth Amendment issues.

Stephen is responsible for supervising code enforcement efforts for Burke's municipal clients. In this capacity, he utilizes the full range of code enforcement tools, including informal office conferences, inspection warrants, administrative hearings, civil nuisance actions, and misdemeanor prosecutions. Although his emphasis in this area is on resolving code violations without the need for judicial intervention, he has successfully prosecuted numerous code enforcement cases to completion. Stephen obtained a guilty verdict from a jury on all counts against a property owner for maintaining multiple building code and property maintenance violations. He obtained guilty verdicts against two defendants for operating an unpermitted nightclub. He has also obtained preliminary and permanent injunctions in multiple code enforcement matters involving zoning violations, public nuisance conditions, and unpermitted marijuana facilities.

In addition to his code enforcement prosecution experience, Stephen has handled a broad array of litigation for the firm's municipal and governmental clients, including disputes involving eminent domain, inverse condemnation, tort liability, construction defects, construction contract disputes, CEQA, and the Federal Civil Rights Act. He served as co-counsel in a successful bench trial regarding a client's right to take property through eminent domain. Stephen successfully defended the City of East Palo Alto in a trial involving alleged Brown Act and Due Process violations.

Stephen advises municipal clients throughout the state on issues related to medicinal and adult-use marijuana. He has obtained numerous preliminary injunctions against unpermitted dispensaries and successfully defended cities against an array of constitutional and state law challenges brought by dispensary operators. In 2012, he authored the League of California Cities' amicus brief in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, in which the Supreme Court ruled unanimously that local governments have zoning authority to prohibit medicinal marijuana dispensaries within their boundaries. As a result of this work, Stephen was appointed in 2014 to the League of California Cities Ad Hoc Cannabis Regulation Committee. He also served two terms as the City Attorney Department representative for the League's Public Safety Policy Committee from 2014-2015.

After law school graduation, Stephen clerked for Judge Arthur L. Alarcon on the United States Court of Appeals for the Ninth Circuit. He later served as a Deputy Attorney General in the Criminal Division of the California Department of Justice. As a prosecutor, Stephen represented the state in two successful trial-level prosecutions, over seventy felony criminal appeals in the California Court of Appeal, and over eighty habeas corpus proceedings in federal district court and the Ninth Circuit. In November 2002, he represented the California Department of Corrections successfully in an evidentiary hearing in Federal District Court in a case involving allegations of prosecutorial misconduct against the Los Angeles County District Attorney's Office.