



Stephen A. McEwen

Partner

Orange County

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Pronouns: he, him, his

PRACTICES

Eminent Domain and Inverse
Condemnation
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 is a partner in Burke, Williams & Sorensen, LLP's Orange County office and a senior member of the firm's Public Law Practice Group. He joined Burke in 2003 and represents cities and public agencies throughout California in both advisory and litigation matters. Mr. McEwen currently serves as Assistant City Attorney for the Cities of Rolling Hills Estates and San Marino and previously served as City Attorney for Buellton and Laguna Woods, as well as Assistant City Attorney for Atascadero, Hemet, and Stanton. In these roles, he has worked closely with elected officials, city managers, and department leadership on the full spectrum of municipal governance and operational issues.

Stephen maintains a substantial advisory practice focused on public governance, land use, and regulatory compliance. He regularly advises city councils, planning commissions, and other public bodies during meetings; drafts and reviews ordinances, resolutions, contracts, and policy documents; and advises public agencies on compliance with the Brown Act, Public Records Act, conflicts of interest laws, and constitutional requirements. His practice also includes advising cities on homelessness-related issues, state housing law, zoning and land use regulation, and local cannabis regulations, with an emphasis on practical, legally defensible solutions that reduce litigation risk and support effective local governance.

In addition to his advisory work, Stephen has extensive litigation experience representing municipal and governmental clients in state and federal courts. His litigation practice has included land use and zoning disputes, eminent domain and inverse condemnation, constitutional and civil rights claims, public contracts, construction disputes, and municipal tort liability. He has also served as a city prosecutor, handling misdemeanor municipal code enforcement matters involving public nuisance conditions, building and safety violations, and zoning compliance. This litigation background informs his day-to-day counseling, allowing him to provide strategic advice grounded in an understanding of how municipal decisions are

challenged and defended.

Stephen's public service experience includes a federal appellate clerkship with Judge Arthur L. Alarcón of the United States Court of Appeals for the Ninth Circuit and service as a Deputy Attorney General in the Criminal Division of the California Department of Justice. As a Deputy Attorney General, he represented the State of California in trial-level prosecutions, felony criminal appeals in the California Court of Appeal, and habeas corpus proceedings in federal district court and the Ninth Circuit. This background provides Stephen with a strong foundation in constitutional law, appellate advocacy, and public-sector litigation that continues to inform his municipal law practice.

PUBLICATIONS

Code Enforcement by Drone: Critical Considerations Before Launching Preserving Access While Regulating Conduct in Public Libraries

Addressing Health and Safety Issues Related to Public Encampments and Vehicle Habitation

Sleeping-in-Vehicle Ordinances Face Challenges Following Ninth Circuit Decision in *Desertrain v. City of Los Angeles*

2014 California Municipal Law Handbook

REPRESENTATIVE MATTERS

- **East Palo Alto Merchants Association v. City of East Palo Alto Planning Commission**, San Mateo County Superior Court Case No. CIV 485355 – obtained a complete defense judgment in a trial involving alleged Brown Act and conflict of interest violations.
- **People of the State of California and City of Wildomar v. Wildomar Patients Compassionate Group, Inc., et al.**, Riverside County Superior Court Case No. RIC10022903 – obtained a preliminary and permanent injunction against the operator of an unpermitted medical marijuana dispensary and the dismissal of the dispensary operator's petition for writ of mandate against the city; successfully defended both judgments on appeal (California Court of Appeal Case No. E052788).
- **People of the State of California and City of Stanton v. Alternative Tomatoes, Inc., et al.**, Orange County Superior Case No. 30-2010 00407861 – obtained a preliminary injunction against the operator of an unpermitted medical marijuana dispensary.
- **People of the State of California v. Robert Burris**, Orange County Superior Court Case No. 05WM04906 – obtained a guilty verdict in a criminal prosecution of a property owner for maintaining a converted garage, unpermitted construction, and the outside storage of junk, trash, and debris.
- **People of the State of California and City of Industry v. DNA Properties, Inc., and Pinks Gentlemen's Club**, Los Angeles

County Superior Court Case No. KC0614170 – obtained a temporary restraining order and preliminary injunction preventing a strip club from opening at the site of a former adult business; case resulted in a settlement agreement that ensured the permanent discontinuance of any vested rights to use the property for adult business purposes.

- **People of the State of California v. Rene Cota and Cheri Cota**, Los Angeles County Superior Court Case No. 8JB08263 – obtained guilty verdicts in a criminal prosecution against bar owners for operating a nightclub without required permits.
- **People of the State of California and City of Richmond v. Jawad A. Dayem, et al.**, Contra Costa County Superior Court Case No. C10-01925 – obtained a preliminary injunction against the operator of an unpermitted medical marijuana dispensary. The parties subsequently stipulated to a permanent injunction and Richmond recovered \$50,000 in attorneys’ fees.