



Theresa C. Becerra and Zackary G. Smith Analyze California Construction Law in Two Publications

Spencer Fane attorneys [Theresa C. Becerra](#) and [Zackary G. Smith](#) recently authored two articles examining California Civil Code Section 8850 from different perspectives. Their article, [The Private Works Change Order Fair Payment Act and Its Implications for Subcontractor Claims](#), was published by *Contractor Magazine*, while a companion article, [California Civil Code Section 8850: Redefining Construction Dispute Resolution](#), was published by the *Daily Journal*.

Across both articles, the authors discuss how California's new Private Works Change Order Fair Payment Act reshapes the resolution of payment and delay disputes on private construction projects. They explain that the law establishes mandatory claim procedures, accelerated deadlines, and financial penalties designed to encourage prompt payment and streamline dispute resolution. The authors also emphasize that owners, contractors, and subcontractors must carefully follow the Act's procedural requirements, as compliance will be critical to preserving statutory rights and avoiding future disputes.

"As disputes under the Act make their way into arbitration and the courts, two recurring questions are likely to dominate: whether the documentation a claimant supplied was sufficient to support its claim, and whether a party that suspended work satisfied the statutory predicates before doing so," the team wrote. "Because section 8850 conditions its most powerful remedies on strict procedural compliance, both questions will frequently prove outcome-determinative."

Theresa is a construction, real estate, and business attorney with over 25 years of experience specializing in commercial construction counseling and litigation, including contract disputes, delay claims, change orders, and complex project

matters. She represents owners, developers, general contractors, and subcontractors across a wide range of public and private projects and serves on the Legal Advisory Committee for the Associated General Contractors of California.

Zack represents clients in all aspects of the construction industry, including owners, developers, contractors, and subcontractors, while also managing complex commercial litigation, arbitrations, and administrative proceedings nationwide for public and privately held companies in the manufacturing, oil and gas, and real estate sectors.