# Qeios

# **Research Article**

# Exposing Regional Disparities in Spain's Judiciary Civil Service Exams

#### Joan Serrano-Marín<sup>1</sup>, Miguel Galo Fernández<sup>2</sup>, Rafael Franco<sup>1,3</sup>, David Bernal-Casas<sup>4</sup>

1. Molecular Neurobiology Laboratory, Universitat de Barcelona, Spain; 2. Independent researcher; 3. Department of Biochemistry and Molecular Biomedicine, Faculty of Biology, Universitat de Barcelona, Spain; 4. Department of Information and Communication Technologies, Universitat Pompeu Fabra, Spain

The process of obtaining the position of *Gestor Procesal* in the Spanish judicial system, a crucial step for career advancement within the civil service, consists of two multiple-choice tests and a written exam. While the selection process aims to ensure merit-based recruitment, our analysis reveals deep structural inconsistencies. Using public exam data and non-parametric statistical methods, we identify significant regional disparities in exam scores and pass rates. These disparities are not attributable to candidate performance alone, but reflect variations in jury evaluation criteria and regional resource allocation.

The findings expose a fundamental tension in Spain's governance model: despite being a decentralized state, recruitment procedures remain rigidly centralized. This mismatch—regionalized institutions paired with standardized national exams—produces unintended biases and undermines both procedural fairness and distributive justice. Human capital theory, which assumes success derives from individual preparation, fails to explain these outcomes; instead, structural and institutional factors play a defining role.

Beyond its technical dimensions, this issue carries profound societal consequences, affecting social mobility, reinforcing labor market segmentation, and eroding public trust in democratic institutions. The uneven distribution of career opportunities risks deepening regional divides and perpetuating precarity among interim staff, many of whom remain in temporary positions for years without stable advancement. Our findings reveal a critical institutional paradox: while Spain's governance is decentralized, the recruitment process remains centralized, producing regional disparities in outcomes. These are driven less by merit than by structural factors—such as inconsistent jury evaluations and unequal resources—which undermine fairness and distributive justice.

The implications go beyond technical flaws: they hinder mobility, entrench precarity, and erode trust in public institutions. To address this, we recommend standardized grading criteria, greater transparency, and alignment between decentralized governance and recruitment practices.

Corresponding author: Rafael Franco, rfranco@ub.edu; rfranco123@gmail.com

# 1. Introduction

While justice is a fundamental pillar of democratic societies, disparities in judicial administration can reinforce broader social inequalities, affecting not only legal outcomes but also career opportunities and socioeconomic mobility. Political factors can influence judicial processes, though mechanisms exist to safeguard judicial independence<sup>[1][2]</sup>. Evaluating the performance of judges and justice department workers requires examining various elements that affect the rule of law<sup>[3]</sup>.

Organizational practices can be influenced by external pressures, such as regional autonomy and political interference<sup>[4][5]</sup>. Such *Institutional* theory may explain how regional disparities persist despite a centralized examination framework. However, additional factors of a technical and procedural nature also play a critical role. While regions manage courts and universities, selection processes remain centrally organized, yet unequally implemented. This contradiction suggests a fundamental inconsistency: if Spain embraces territorial decentralization, it is incoherent to maintain centralized and rigidly uniform recruitment processes. Either the system is decentralized—with regions assuming responsibility for their own personnel—or it is centralized, with consistent procedures and accountability. Attempting to combine both may led to systemic inefficiencies and unfair outcomes.

Although regions manage their own courts and universities—resembling the state-level autonomy found in federal systems like that of the United States or Germany—key hiring processes remain under centralized control. Judicial civil servants serving, such as *Gestor procesal*, are selected through nationwide *concurso-oposición* exams overseen by the Ministry of Justice, even though these officials ultimately serve in regional courts. Similarly, public universities, despite their nominal autonomy, must appoint senior faculty—such as *catedráticos* and *profesores titulares*—through centralized selection procedures designed and controlled by Madrid. Even some temporary university contracts, e.g. the *Ramón y Cajal* tenure-track positions, are awarded through centralized, national-level selection processes. This centralization is further reflected in the standardized salary structure for *catedráticos* and *profesores titulares*; they receive the same base pay nationwide, with only modest regional supplements allowed. This dynamic underscores a core contradiction in Spain's governance: regional authorities manage implementation, yet key decisions remain centralized, revealing a persistent tension between decentralization in administration and centralization in control.

Regional disparities in exam scores and pass rates raise concerns about procedural and distributive justice, as candidates from certain regions may face systemic disadvantages. The so-called "Organizational Justice Theory"<sup>[6]</sup> poses that there must be distinctions between distributive justice based on the fairness of outcomes, procedural justice, based on the fairness of processes, and interactional justice, based on the fairness of interpersonal treatment (see also<sup>[7]</sup>).

Research on Spain's judicial system highlights how regional autonomy shapes administrative practices, often generating disparities in resource allocation and political influence that affect judicial service delivery<sup>[8][9][10][11]</sup>. These regional differences can impact civil service exams, where the decentralized structure of the judiciary may lead to inconsistencies in exam administration and scoring. Such disparities can be analyzed through institutional theory, organizational justice, and human capital theory<sup>[12]</sup>.

In his book entitled "Human Capital"<sup>[13]</sup>, Becker assumes that education, training, and experience are the primary determinants of success. However, if exam outcomes are significantly influenced by regional differences in examiner bias, available resources, or institutional favoritism, this assumption no longer holds. Any disconnect between theory and reality would underline the need for systemic reform. Civil service examinations are intended to uphold the principles of meritocracy, ensuring that the most qualified candidates gain access to stable and prestigious government positions. However, studies on public-sector recruitment in Spain suggest that biases, lack of transparency (impossibility to get exams requalified unless legal proceedings are initiated), and inconsistent grading criteria frequently distort these selection processes<sup>[14][15]</sup>.

Spain's judiciary relies heavily on interim staff, reflecting broader labor market issues and legal loopholes that allow long-term temporary contracts. Despite laws mandating permanent positions after years of service, many interinos are rotated between courts to avoid tenure, leading to job insecurity, lack of specialization, and lower service quality. In 2021, 31% of public employees were interim, with higher rates in the judiciary (INE, BBVA). This structural reliance perpetuates inequality and professional stagnation.

The *oposición* process for Procedural Manager (*Gestor Procesal*), a key administrative position within Spain's judiciary, illustrates these challenges. This examination includes both multiple-choice tests (which are objectively scored) and written components assessed by a regional jury. The latter introduces a significant degree of subjectivity, as each autonomous community appoints a panel of five evaluators, leading to potential regional discrepancies in scoring. This study investigates whether such disparities exist and, if so, how they impact fairness in judicial recruitment.

If occurring, disparities extend beyond individual candidates; they affect the social legitimacy of the judiciary and reinforce broader patterns of inequality. Regional disparities in test results may create systemic barriers for candidates from certain areas, potentially limiting their career prospects and contributing to socio-economic divisions. However, factors such as candidate preparation and local education quality could also play a role.

Judicial independence is vital to public trust in democratic institutions, yet political interference, opaque recruitment, and unfair promotion practices erode confidence in the system (<u>https://doi.org/10.1108/IJPPM-05-2023-0215;</u>

https://commission.europa.eu/document/download/84aa3726-82d7-4401-98c1-fee04a7d2dd6\_en?

<u>filename=2024%20EU%20Justice%20Scoreboard.pdf</u>)<sup>[16][17]</sup>. These shortcomings not only discourage qualified candidates—they also worsen case backlogs and slow down the delivery of justice<sup>[18]</sup>.

Our analysis of the 2023 *Gestor Procesal* exam (results published in 2024) reveals significant regional disparities in scores and pass rates, challenging the notion of an equitable, merit-based process. By combining statistical evidence with theoretical perspectives, we show how exam inconsistencies and systemic biases affect personnel selection and reinforce inequality. These findings underscore the urgent need for reforms to standardize assessments, improve transparency, and reduce political and contractual distortions in public recruitment [19][20].

## 2. Methods

#### 2.1. Structure of the competition to become Gestor procesal in the Spanish Judiciary

The Spanish judicial system is organized such that some Regions (*Comunidades Autónomas*) have some competencies while others do not have any. The competition for the position of *Gestor procesal* (Procedural Manager) is managed by the Spanish Ministry of Justice, with each Region providing the number of available positions. For Regions without competencies, the number of positions is determined

by the Ministry. Candidates must select in advance the Region in which they wish to work if they pass the examination; hence, they only compete for a position in the pre-selected Region.

The competition was announced for the *Cuerpo de gestión procesal y administrativa, acceso libre* of the Ministry of Justice, under order "JUS/1254/2022" dated December 7, 2022. The official call can be downloaded from the Spanish *Boletín Oficial del Estado* dated December 19, 2022 (<u>https://www.boe.es/boe/dias/2022/12/19/pdfs/BOE-A-2022-21485.pdf</u>). The examination took place in May 2023, simultaneously across various cities in Spain.

The examination consisted of three parts: First, two multiple-choice tests, and a third examination consisting of a written test with five questions. The multiple-choice tests are graded automatically to ensure impartiality, while the written test is evaluated by a panel of five members in each Region with competencies, or by a panel appointed by the Ministry of Justice for Regions without competencies. The final score is calculated by assigning 15% and 60% to the two multiple-choice tests (totaling 75%) and 25% to the written test.

Candidates who do not achieve at least 12.5 points on the written test, i.e., the third exam, will not pass the examination, regardless of their scores on the two previous multiple-choice tests, which together account for 75% of the overall grade. In summary, candidates who do not reach the minimum required score of 12.5 points on the written test will not pass the examination and cannot become civil servants based on the results of the 2023 exam.

The summary of candidates that approved each of the three exams in each *Comunidad Autónoma* is provided in Table 1.

Autonomous Community	N approved exam 3 (% versus exam 1) [%versus exam 2]	N approved exam 2 (% versus exam 1)	N approved exam 1	
Andalucia	463 (27) [34]	1359 (79)	1728	
Aragon	32 (22) [30]	108 (71)	152	
Asturias	15 (19) [23]	63 (78)	81	
Canarias	57 (20) [26]	223 (77)	288	
Cantabria	10 (40) [56]	18 (72)	25	
Cataluña	157 (18) [23]	691 (78)	881	
Galicia	98 (23) [29]	335 (78)	430	
La Rioja	14 (28) [35]	40 (80)	50	
167 Madrid (17) [23]		729 (74)	987	

	N	Ν	N
Autonomous Community	approved exam 3	approved exam 2	approved exam 1
Autonomous community	(% versus exam 1)	(% versus exam 1)	
	[%versus exam 2]		
	374	1116	1511
Ministerio de Justicia	(25)	(74)	
	[34]		
Navarra	23	97	129
	(18)	(75)	
	[24]		
	50	253	338
Pais Vasco	(15)	(75)	
	[20]		
	129	688	903
Valencia	(14)	(76)	
	[19]		

**Table 1.** Number of candidates approved in each of the 3 exams of the competition for *Gestor procesal* (2023exams)

#### 2.2. Data collection

Data are retrieved from official sources; the URL from which it is possible to access all documents is: <a href="https://www.mjusticia.gob.es/es/ciudadania/empleo-publico/acceso-libre/gestion-procesal-administrativa-acceso-libre-orden-jus-1254-2022">https://www.mjusticia.gob.es/es/ciudadania/empleo-publico/acceso-libre/gestion-procesal-administrativa-acceso-libre-orden-jus-1254-2022</a>.

All the scores of the written tests of each of the autonomous communities have been considered. Each of these regions designates a five-member panel responsible for grading and evaluating candidates who took exams in that specific region. When indicated, the scores of the written test, which is the third to be administered, will be compared with the two previous tests, the first and the second, which are multiple choice and are scored automatically and, therefore, impartially. All candidates take the written test, but only those candidates who pass the first two exams are qualified. The number of candidates in Spain that passed the two first exams and qualified for the third one was 5,757. The number of candidates that

passed the third exam was 1589. Passing all three exams does not guarantee a place, as places are awarded based on overall scores. Candidates who pass all exams but score relatively low may not meet the cut-off mark set by the last available position. For instance, if a Community has 200 places and one candidate ranks 201<sup>st</sup> in this Community, he/she will not secure a position as a civil servant.

#### 2.3. Data analysis and statistical methods

Scores from candidates in *Andalucia, Canarias, Cataluña, Comunidad Valenciana, Galicia, Comunidad de Madrid,* and *País Vasco* were considered. Additionally, data from candidates in regions without competencies in justice, managed by the Spanish Ministry of Justice, were also included under the term *Ministerio de Justicia.* Unless otherwise indicated, data from regions with a small number of candidates (*Aragón, Asturias, Cantabria, La* Rioja, and/or Navarra) were omitted from analyses.

#### 3. Results

#### 3.1. Deviation from Gaussian Distribution

Normality tests were initially conducted using the scores of all candidates in the third exam. Exam 3 consists of 5 questions, with a total score of 25, meaning a score of 12.5 is required for approval. Despite the large sample sizes in several regions, the data did not exhibit normality. Upon examining the data by region, it was found that all regions, except Galicia and País Vasco, lacked normality. The p-values from the Shapiro-Wilk test (threshold p=0.05) for these two regions were 0.137 and 0.152, respectively.

Next, the frequency versus score distribution was examined in regions where the data did not conform to normality. Figure 1A shows the frequency versus third-exam-score plot for Canarias, which is highly skewed to the left, indicating a concentration of low scores. This skewness could be attributed to the relatively small number of candidates in this region. For comparison, *Comunidad de Madrid*, a region with a larger number of candidates, was selected. The plot from this region also exhibited an atypical distribution, being biphasic. Notably, there is a significant spike in the number of candidates scoring around the cut-off value of 12.5 (Figure 1B).

The non-Gaussian distribution in most regions cannot be readily explained from a statistical perspective. This anomaly suggests that other underlying factors may be influencing the distribution of scores.

#### 3.2. Inter-regional variability of third-exam scores

Scores range between 0 and 25. The mean (SD) at the national level, excluding regions with few candidates, is 9.72 (4.28) (n= 5408). The mean and SD of the scores for candidates in each region are provided in Table 2. All average values are below 12.5, as expected, due to the lower proportion of candidates who passed compared to those who failed.

The highest global mean score is found in *Andalucia* (10.62), and the lowest is in the *Comunidad Valenciana* (8.54), followed by the *Pais Vasco* (8.56). When only approved candidates are considered, the highest average is found in Canarias (16.01), and the lowest is in Pais Vasco (14.12), followed by *Cataluña* (14.38). When only those who failed are considered, the highest average is found in *Andalucia* (8.51), and the lowest is in *Canarias* (6.25). In *Canarias*, the difference between the averages of approved versus failed is huge (16.01-6.25=9.85). The minimal distance between averages is found in *Cataluña* (14.38-8.27=6.11).



**Figure 1**. Distribution of qualifications of exam 3 in two different regions, *Canarias* and *Madrid*. None of the two distributions is Gaussian.

Region (Comunidad Autonoma)	% approved (n=total)	Mean (SD)* Global qualification	Mean (SD) Only approved	Mean (SD)* Only failed
Andalucia	33.8% (1370)	10.62 (3.98)	14.74 (2.12)	8.51 (2.91)
Canarias	24.8% (230)	8.67 (5.29)	16.01 (3.53)	6.25 (3.06)
Cataluña	22.4% (701)	9.64 (3.60)	14.38 (2.04)	8.27 (2.66)
Comunidad Valenciana	18.4% (697)	8.54 (4.39)	15.47 (2.52)	6.98 2.98
Galicia	28.3% 346	9.96 (3.83)	14.59 (1.78)	8.13 (2.72)
Madrid	23.0% 726	9.79 (4.70)	16.33 (2.58)	7.84 (3.17)
Pais Vasco	20.0% 250	8.56 (3.91)	14.12 (1.95)	7.17 (2.90)
Ministry of Justice	33.3% 1122	9.75 (4.39)	14.69 (2.44)	7.29 (2.78)

**Table 2.** Mean and SD of qualifications of exam 3 per region\*. Maximum score is 25. The score for approval is12.5.

\* In bold when SD versus the mean is markedly high (>38%)

Another parameter that can provide valuable information is the difference between the mean scores of approved candidates and failed candidates within a given community. The data are presented in Table 3. In several regions, the differences were excessively high. Differences of 8 or more were observed in *Aragon, Asturias, Canarias, Comunidad Valenciana, and Comunidad de Madrid.* These results highlight

notable variability across the regions, also confirming that the trend in score differences between approved and failed candidates varies markedly from one autonomous community to another.

Comunidad Autonoma	Mean scores <12.5	Mean scores ≥12.5	Distance of the two means
Andalucia	8.51	14.74	6.23
Aragon	6.17	15.19	9.02
Asturias	6.59	14.59	8.00
Canarias	6.25	16.01	9.76
Cataluña	8.27	14.38	6.11
Comunidad Valenciana	6.98	15.47	8.49
Galicia	8.13	14.59	6.45
La Rioja	7.98	13.59	5.61
Madrid	7.84	16.33	8.49
Ministerio de Justicia	7.29	14.69	7.40
Navarra	6.53	14.13	7.60
Pais Vasco	7.17	14.12	6.95

 Table 3. Differences between the mean of approved (score ≥12.5) versus non-approved candidates (<12.5) in</th>

 exam 3. Cantabria is omitted due to low number of candidates

#### 3.3. Disparities in exam 3 scoring depending on the region

Due to the lack of Gaussian distribution in the qualifications in each region (with the aforementioned exceptions of *Galicia* and *País Vasco*), comparisons were performed using a non-parametric statistical method. Accordingly, the Kruskal-Wallis test was used to evaluate whether there are statistically significant differences between the autonomous communities for both <12.5 and  $\geq$ 12.5 scores. The results of the Kruskal-Wallis test indicate statistically significant differences between the autonomous communities for both <12.5 and  $\geq$ 12.5 scores. The results of the Kruskal-Wallis test indicate statistically significant differences between the autonomous communities in both data groups (the complete data set is provided in Supplementary Table S1, available from the corresponding author). For  $\geq$ 12.5 and <12.5 scores the statistic is, respectively, 102.06 and 216.70.

In both cases the p-value was  $<1.0E^{-30}$ , which indicates significant differences in qualifications (<12.5 and  $\geq$ 12.5) depending on the region.

Using a goodness-of-fit test, the probability of passing in different regions was analyzed. Data from Supplementary Table S1 were used, excluding Cantabria due to its small sample size of only 18 candidates (9 approved and 9 failed). Considering the total number of candidates and the approval/rejection rates with respect to the overall results in Spain (5,757 candidates with an approval rate of 27.5%), it was demonstrated with a very significant result (p value =  $1.72E^{-11}$ ) that the probability of passing was different in each *Comunidad Autónoma*. It is therefore concluded that students from some autonomous communities have been less likely to pass than students from other autonomous communities.

Due to a lack of Gaussian distribution of scores in many of the regions, the Mann-Whitney test was used to compare scores in *Cataluña* and *Comunidad de Madrid* with those of other regions. Scores in *Cataluña* were significantly different from those in *Andalucía, Canarias, Comunidad Valenciana*, and *País Vasco* (p<0.001), but not from those in other regions or the Ministry of Justice (p>0.1; range: 0.19 to 0.98). Similarly, scores in *Comunidad de Madrid* were significantly different from those in *Andalucía, Canarias, Comunidad Valenciana*, and *País Vasco* (p<0.001), but not from those in Operative context of the provided Valenciana, and País Vasco (p<0.001), but not from those in *Andalucía, Canarias, Comunidad Valenciana*, and *País Vasco* (p<0.001), but not from those in other regions or the Ministry of Justice (p>0.1; range: 0.26 to 0.98). Notably, the differences in both *Cataluña* and *Comunidad de Madrid* were with the same regions: *Andalucía, Canarias, Comunidad Valenciana*, and *País Vasco*.

The study of the interaction **pass** \* **region** reveals significant differences (with a p-value <  $1 \times 10^{-16}$  using the Kruskal-Wallis test). The results show that the average score of those who passed the third exam (score  $\ge 12.5$ ) is the highest in the *Comunidad de Madrid*, 16.33, while the lowest is in *Cataluña*, 14.38 (pvalue = 0.0247 after correcting for multiple comparisons using the Benjamini-Hochberg method). The analysis of all  $\ge 12.5$  scores classifies the autonomous communities into three homogeneous groups, that is, with similar statistical parameters (mean and SD). Groups are: i) *Comunidad de Madrid*, ii) *Canarias*, *Comunidad Valenciana*, *Andalucia*, and *Galicia*, and iii) *Ministerio de Justicia*, and *Cataluña*. Group i includes the region with the highest scores, and the scores decrease in regions in group ii; group iii contains the regions where the passing scores were the lowest. Significant differences were found between groups i and iii. The differences were not statistically significant between group ii and group i or between group ii and group iii. These results confirm the disparities between the autonomous communities. Overall, approved candidates in *Comunidad de Madrid* are more likely to obtain higher scores in exam 3 that those in *Cataluña* or in *Ministerio de Justicia*.

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# 3.4. Comparing data from the most complete multiple-choice test (exam 1) and the written test (exam 3)

A final objective was to compare the scores of the written test with one of the two multiple-choice tests. We only selected one of the two multiple-choice tests. Data from exam 2, which consists of 15 multiplechoice questions and accounts for only 15% of the overall grade, were omitted. Our analysis focused on candidates who qualified for exam 3, meaning they had passed both exam 1 and exam 2 and had completed exam 3. Specifically, we compared the scores of exams 1 and 3. Since exam 1 accounts for 60% of the overall qualification and Exam 3 accounts for 25%, all scores were normalized to a scale of 0 to 100 for consistent comparison. For the multiple-choice test (exam 1), the scores of only the approved candidates were considered (normalized values ranging from 50 to 100). We hypothesized that there should be a correlation between the scores of the written test (exam 3), corrected by a jury of five members, and the multiple-choice exam (exam 1), which is graded impartially. Table 4 summarizes the correlation data (in the normalized 0-100 scale) in each region, also showing the average. Figure 2 graphically highlights the two most relevant findings of the analysis: (a) the correlation varies significantly between regions, as evidenced by pairwise comparisons, and (b) the slope of the linear correlations differs markedly across regions, from 0.26 to 0.62 (Table 2). It should be noted that, theoretically, the intercept on the Y-axis represents the multiple-choice test score of an individual who would receive a zero on the written test. Intercepts go all the way from 39 to 65 (Figure 2); this huge range of variability further reinforces interregional inequalities. Moreover, the grade that theoretically corresponds to someone who passes exam 1 with the minimum grade (value of Y when X=50) should have been 68.64 in Cantabria and 80.36 in Canarias, further underscoring regional disparities.

Comunidad Autónoma	Intercept	Slope	Mean Exam 3 (only approved)	Mean Exam 1 (only approved)	Y value for X=50	X value for Y=50	R <sup>2</sup>
Andalucia	55.96	0.40	58.96	79.66	76.06	-14.84	0.14
Aragon	65.24	0.26	60.75	80.88	78.11	-59.19	0.17
Asturias	39.32	0.62	58.32	75.73	70.53	17.11	0.26
Canarias	65.41	0.30	64.05	84.57	80.36	-51.54	0.3
Cantabria	51.53	0.34	56.33	70.81	68.64	-4.49	0.11
Cataluña	50.38	0.53	57.54	81.14	77.11	-0.72	0.21
Galicia	47.32	0.57	58.35	80.86	76.06	4.66	0.26
La Rioja	52.91	0.45	54.36	77.43	75.46	-6.44	0.27
Madrid	57.59	0.38	65.33	82.47	76.63	-19.92	0.16
Ministerio	59.97	0.32	58.74	78.72	75.93	-31.24	0.1
Navarra	56.48	0.44	56.52	81.13	78.29	-14.86	0.32
Pais Vasco	56.75	0.47	56.50	83.04	80.01	-14.50	0.18
Valencia	56.1	0.43	61.95	82.69	77.56	-14.21	0.23

**Table 4.** Correlations between exam 1 and exam 3 scores across candidates and regions. To facilitatecomparisons, the scores in this table and in Figure 2 are normalized on a 0–100 scale, meaning that themaximal qualification in exam 3 is normalized to 100 and the maximal qualification in exam 1 is normalizedto 100.

# 4. Discussion

The *Gestor procesal*, also known as "*Cuerpo de Gestión Procesal y Administrativa*", plays a crucial role in the Spanish judiciary system, acting as a bridge between the administrative and judicial branches. They are responsible for processing legal cases and managing court files, i.e. they prepare and organize procedural documents, draft formal resolutions for judges, e.g. decrees, notifications, and records, and ensure that deadlines and legal procedures are met. A *Gestor procesal* is as essential for judges and secretaries as being

able to initiate and follow up on procedural steps (like notifications or embargoes) and oversee, under proper supervision, the execution of judicial decisions in civil cases.

Beyond the inherent importance of the position itself, the *concurso-oposición* examination system is highly demanding, comprising two distinct types of exams: those that can be objectively evaluated and those assessed by regional juries with varying compositions. The publicly available results have enabled our analysis, which reveals disparities that reflect administrative inefficiencies. A further critical flaw is the excessive delay in publishing the scores of the third exam. The prolonged uncertainty creates significant hardships for candidates, who must put their professional and personal lives on hold while waiting for more than one year for the outcome. The combination of subjective jury assessments, regional biases, and the demoralizing delay in final rankings undermines the effectiveness of this recruitment strategy. For a system designed to ensure meritocracy and efficiency, these flaws disproportionately harm candidates while failing to meet the urgent staffing needs of Spain's judicial administration.

In conclusion, while the *oposición* system aims to select highly qualified professionals, its excessive rigidity, lack of timely resolution, and inconsistent evaluations make it less effective and more burdensome than necessary—ultimately weakening the quality and responsiveness of Spain's civil service.

Spain's judiciary operates within a decentralized administrative framework<sup>[21]</sup>, where permanent judicial positions—such as *Gestor Procesal*—are centrally managed, while regions retain only limited authority to appoint interim staff (*interinos*). This hybrid model, part of Spain's broader 'state of autonomies,' reflects a tension between national standardization and regional differentiation, a tension that our data suggests exacerbates inequities in the *concurso-oposición* process.

Our analysis confirms statistically significant inter-regional differences in exam scores, particularly in Exam 3. This disparity is not only visible across regions but also within the same regions, suggesting inconsistencies in jury evaluation standards. Although exceptions exist (e.g., Galicia and the Basque Country exhibit normal distributions), a t-test reveals statistically significant differences even between these regions, pointing to divergent grading criteria.



**Figure 2.** Linear regression using the individual normalized scores of Exam 1 and 3. For ease of comparison, scores are normalized on a scale from 0 to 100. 100 on the Y axis would correspond to the highest score for exam 1, which is 60. 100 on the X axis would correspond to the highest score for exam 3, which is 25. Successful candidates are those who in this figure have a score equal to or greater than 50. It should be noted that only candidates who pass the previous 2 exams are entitled to have exam 3 corrected.

The statistically significant differences in third-exam qualification results reveal marked variability across both the upper and lower segments of the grades. This variability may reflect differences in educational standards, available resources, or evaluation criteria among the regions. Based on the data provided here, the most plausible hypothesis is that there are differences in evaluation criteria both within and between regions. Notable exceptions to intra-region homogeneity of criteria are *Galicia* and *País Vasco*, as their score distributions are normal (*Galicia*: mean = 9.96, SD = 3.83, n = 346; *País Vasco*: mean = 8.56, SD = 3.91, n = 250). Given these normal distributions, a t-Student's test was conducted to compare the mean scores of the two regions, revealing significant differences (p = 0.000016). This

finding indicates that even in regions with homogeneous intra-region criteria, the inter-region criteria differ significantly.

It is concerning to observe the significant interregional variability in the grades received by candidates who passed exam 3 and were expected to achieve similar results in exam 1. The marked differences in the slopes when comparing exam 1 and exam 3 scores are quite revealing (disclosed in Figure 2 and Table 4). This suggests, once again, that rating criteria may have varied considerably across regions.

The unfairness of the current system for obtaining a position as *Gestor procesal* in the Spanish judiciary is inherent in the competition's design. Firstly, the examination is conducted on a regional basis, with each region allocating a specific number of positions. The exam is the same across all of Spain but takes place in each of the regions. Also, each region has its "own" jury composed of 5 members. Their role is central to grading Exam 3, which consists of 5 questions to be answered in written form. Our findings suggest that candidates' scores for exam 3 may vary depending on the region in which they take the exam, though other factors, such as candidate self-selection, could also influence outcomes. Additionally, the five members of each jury are not homogeneous, as members are selected based on diverse criteria, including political and academic backgrounds. This diversity complicates the process of achieving fair and consistent evaluations. Furthermore, passing all the exams does not guarantee a position; for instance, a candidate who ranks 201<sup>st</sup> in a region with only 200 available positions will not secure a place. Conversely, a candidate who ranks 201<sup>st</sup> in one region might have a high enough score to obtain a position in another region. Despite this, candidates are not allowed to transfer their scores between regions, since candidates must choose their examination region in advance.

The overall issue of inter-regional disparities could be minimized by using only multiple-choice exams, which allow for unbiased scoring. However, it is essential for a *Gestor procesal* to demonstrate proficient writing skills, making it necessary to assess candidates' written communication abilities<sup>[22]</sup>. This necessitates an exam with written responses. While feasible with a small number of examinees, when thousands of candidates are involved and multiple juries are required, the results deviate from the expected fairness. In our opinion, it is not advisable to combine the assessment of legal knowledge with the evaluation of writing skills. In addition, an evaluator who is proficient in assessing legal knowledge is likely not adept at evaluating writing quality, and vice versa.

Our findings on inter-regional grading disparities align with Do Vale's<sup>[21]</sup> observation that Spain's decentralization has produced asymmetrical governance outcomes. While his work measures autonomy

in political and fiscal terms, our data reveals how these asymmetries extend to administrative practices such as inconsistent jury evaluations in standardized exams. This suggests that even centrally designed systems fail to mitigate regional biases when implementation is fragmented.

A key limitation of our study is the lack of disaggregated jury-level scores, which prevents two critical analyses: i) assessing whether members of the same jury applied consistent grading standards, and ii) determining how variation between regional juries contributes to broader disparities. Without this data, we cannot discern whether score gaps reflect candidate performance or divergent jury behaviors. Despite these limitations, this study challenges the notion that centralized standardization guarantees fairness in a decentralized administrative context—and calls for a more coherent and aligned governance model.

Ultimately, the current selection process raises ethical and institutional concerns. The mismatch between centralized exam administration and decentralized jury evaluation introduces structural inequalities, undermines social trust, and may contribute to broader patterns of labor segmentation and institutional inefficiency.

Failing to secure a permanent position through the competition is a significant concern for candidates<sup>[23]</sup>, especially for roles like *Gestor procesal*, which require extensive preparation. To address these inequalities, potential solutions include redesigning the competition process—such as allowing each region to hire its own *Gestores procesales*—and ensuring fairness through rigorous evaluator training and adherence to standardized rules<sup>[24][25]</sup>.

The effectiveness of recent OECD recommendations (2023)<sup>[26]</sup> on enhancing civil servant mobility in Spain remains questionable. With salaries standardized at the national level, positions in high-cost regions such as Barcelona, where judicial workload is particularly heavy, are less attractive. Nevertheless, a significant number of civil servants in the judiciary do not work near their birthplaces. Additionally, it is worth noting that knowledge of co-official languages, such as Catalan in Catalonia, is not required for civil servants to work in regional courts. This suggests that, at present, language does not act as a barrier to inter-regional mobility of civil servants in the Judiciary system.

# **5.** Conclusions

Despite the uniform content of the exam and centralized control over the recruitment of *Gestores Procesales*, heterogeneity in jury composition and evaluation outcomes introduces inter-regional biases that undermine fairness and equity. Even in regions where internal consistency is observed—such as Galicia and the Basque Country—significant differences in mean scores across regions point to a lack of standardized assessment criteria.

To address these shortcomings in a non-federal state that does not decentralize the hiring of permanent civil servants, we propose several institutional reforms. First, the evaluation of legal knowledge and writing skills should be separated, with each assessed by appropriately trained professionals using uniform criteria. Second, the Ministry of Justice should consider centralizing the correction of written exams or, at minimum, standardizing the training and composition of regional juries. A national jury or rotating correction panels guided by unified protocols could reduce subjectivity and regional variation.

This study contributes to ongoing debates about fairness, efficiency, and institutional credibility in public recruitment systems within decentralized states. Procedural justice in civil service selection is not only essential for administrative effectiveness, it is a cornerstone of public trust in democratic governance.

Ultimately, our findings highlight a structural contradiction: while judicial administration in Spain is decentralized, the recruitment process remains rigidly centralized. This hybrid model, regionalized courts operating under nationally standardized selection procedures, creates an illusion of uniformity while enabling latent disparities. If the state retains centralized control over recruitment while delegating key aspects of judicial administration to the regions, it must ensure that the selection process does not produce structural inequalities. The current model, centralized in design but decentralized in execution, creates uneven playing fields that contradict the principle of equal access to public employment. In such a context, a more consistent and transparent approach to jury composition and scoring criteria is not simply a matter of procedural refinement, but a fundamental step toward restoring fairness and institutional legitimacy.

## Supplementary material

Supplementary Table S1 is available from the corresponding author upon reasonable request.

# **Statements and Declarations**

#### Author contribution

Conceptualization: RF. Data collection: RF, JSM, and DBC. Statistical analysis: JSM and DBC. First draft: RF, JSM, and DBC. All authors edited the paper and approved the version submitted.

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