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## **National Black Law Journal**

### **Title**

Annalise Keating's Portrayal as a Black Attorney is the Real Scandal: Examining How the Use of Stereotypical Depictions of Black Women can Lead to the Formation of Implicit Biases

### **Permalink**

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### **Journal**

National Black Law Journal, 27(1)

### **Author**

Toms-Anthony, Shamar

### **Publication Date**

2018

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ANNALISE KEATING'S PORTRAYAL AS A BLACK  
ATTORNEY IS THE REAL SCANDAL:  
EXAMINING HOW THE USE OF STEREOTYPICAL  
DEPICTIONS OF BLACK WOMEN CAN LEAD TO THE FORMATION  
OF IMPLICIT BIASES

SHAMAR TOMS-ANTHONY\*

ABSTRACT

*Law firms are struggling to increase the representation and retention of Black women, and Black women have reported feeling excluded, invisible, and a lack of support within law firms. In this Comment, I posit that ABC's hit show "How to Get Away with Murder" over relies on traditional negative stereotypes about Black women. Annalise Keating, the show's lead character, conforms to the stereotypes of the Jezebel, the Mammy, and the Angry Black Woman. Further, Keating's representation as a Black female attorney is uniquely significant because historically Black women have done very little lawyering on the television screen. Thus, Keating's representation as a Black female attorney on a show that has garnered upwards of twenty million viewers in a single episode is extremely influential, as it can have the effect of shaping audiences' perceptions about Black women in the legal profession. As a result, I argue that the show's negative depiction of Keating as a Black female attorney can lead to the formation of implicit biases about Black female attorneys, and may contribute to why Black women are having a difficult time excelling in law firms, which are 92.75 percent White.*

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\* Shamar Toms-Anthony is a third-year law student at UCLA School of Law. He holds a Bachelor of Arts in both Spanish and journalism from the University of Georgia, and a Master of Arts in special education from Loyola Marymount University. This Comment is a culmination of the research Shamar conducted for Patrick Goodman's Law and Popular Culture course, where he studied the interrelationship between law and popular culture.

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INTRODUCTION

ABC’s hit show *How to Get Away with Murder* premiered in 2013, and received wide acclaim from critics for its representation of diversity. However, the initial praise for the show’s diversity appeared to be focused on its aesthetic features—an abundance of nontraditional characters, a Black woman as the lead, gay sex scenes—and failed to critically analyze the stereotypical depiction of the show’s lead character Annalise Keating. In this Comment, I argue that in the first season of *How to Get Away with Murder*, the depiction of Annalise Keating—a Black female criminal defense attorney—is unoriginal in its overreliance on traditional stereotypical depictions of Black women in television and popular culture.

Part I provides a brief history of the representations of Black Americans in television to show how major parts of Keating’s personality mirror the negative portrayals of Black people that began in the 1940s. Part II shows how Keating’s portrayal as a Black woman conforms to stereotypical depictions which have been around since slavery and the inception of television networks—the Mammy, the Jezebel, and the Angry Black Woman. Following those explanations, Part III asserts that the negative portrayal of Black women attorneys on television has a significant negative impact on real world perceptions of professional Black women, as evidenced by research finding that viewers are often unable to distinguish stereotypical television character portrayals from reality.

This Comment concludes by arguing that Keating’s portrayal on *How to Get Away with Murder* can lead to the formation of implicit biases, which may negatively impact Black women in the legal profession. I suggest that the

negative portrayals of Black women attorneys on television may impact the unconscious behaviors and beliefs of partners and attorneys in law firms<sup>1</sup>—which, in turn, may create environments at these law firms that make it challenging for Black women to excel.

## I. BLACK REPRESENTATION IN TELEVISION

When looking at the history of major television network<sup>2</sup> programming, Black characters were either absent or cast in roles<sup>3</sup> based on stereotypes.<sup>4</sup> The following Section provides a cursory overview of the history of Black representation on television, and culminates with a discussion of actress Viola Davis' portrayal of the criminal defense attorney, Annalise Keating, in *How to Get Away with Murder*.

### A. A Brief History

While Black characters have been on network television since its inception, quality roles—“multidimensional characters whose lives reflect the emotional breadth, psychological depth, diasporic range . . . that exist among [African-Americans] as a people”—have always been scarce.<sup>5</sup> During the first two decades of network television—the 1940s and 1950s—the content of network television programming was overwhelmingly influenced by advertisers<sup>6</sup> and White supremacists.<sup>7</sup> Advertisers aimed to showcase their products by creating

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<sup>1</sup> According to the National Association for Law Placement, in 2016 only 2.32 percent of all associates and only 0.64 percent of all partners were Black women. NAT'L ASS'N L. PLACEMENT, 2016 REPORT ON DIVERSITY IN U.S. LAW FIRMS 8 (2017), available at <http://www.nalp.org/uploads/Membership/2016NALPReportonDiversityinUSLawFirms.pdf>. So, based on this statistic, Black women are severely underrepresented in the legal field (Black women represent 12.7 percent of total women in the United States. See Catalyst, Knowledge Center, *Women of Color in the United States* (Oct. 12, 2017), <http://www.catalyst.org/knowledge/women-color-united-states-0>). And, as a result of that underrepresentation, the thoughts and perceptions that non-Black partners and associates have about Black women working in law firms might be formed by the depictions they see of Black women on television, as opposed to real interactions in the workplace. This argument is found in Part III.

<sup>2</sup> I use the phrase “major television network” to refer to the original big three broadcast television networks ABC, CBS, and NBC, plus FOX, which emerged in the 1980s.

<sup>3</sup> SCREEN ACTORS GUILD, THE AFRICAN AMERICAN TELEVISION REPORT 7–8 (2000), available at [https://www.sagaftra.org/files/sag/documents/theafricanamericantelevisionreport\\_sag-piacf\\_2000.pdf](https://www.sagaftra.org/files/sag/documents/theafricanamericantelevisionreport_sag-piacf_2000.pdf).

<sup>4</sup> I use the term “stereotype” to refer to the false or misleading generalizations about groups of people that powerfully shape the stereotyper's perception of the stereotyped groups. See Lawrence Blum, *Stereotypes and Stereotyping: A Moral Analysis* 33 PHIL. PAPERS 251 (2004).

<sup>5</sup> Mia Mask, *A Roundtable Conversation on Scandal*, 45 THE BLACK SCHOLAR 3, 7 (2015).

<sup>6</sup> SCREEN ACTORS GUILD, *supra* note 4, at 7.

<sup>7</sup> Mack Scott, *From Blackface to Beulah: Subtle Subversion in Early Black Sitcoms*, 49 J.

a “buying mood,” which is an environment where the largely White television audience was both entertained and comfortable.<sup>8</sup> The advertisers’ goals and the White supremacists’ influence combined to create a television world where Black actors were either absent from shows, or were cast in stereotypical roles that the White audience found nonthreatening, such as *Amos ‘n’ Andy*.<sup>9</sup>

The casting of Black Americans in roles perpetuating stereotypes remained the prevalent practice, but in 1984, the producers of *The Cosby Show* deliberately sought to counter the demeaning images of Black Americans that dominated television shows.<sup>10</sup> White audiences celebrated *The Cosby Show*; however, networks in the 1990s struggled to replicate its success, resulting in a retreat away from what seemed like dawn of an era of progress.<sup>11</sup> Television networks reverted back to stereotypical portrayals of Black Americans in sitcoms like *Martin*, *The Steve Harvey Show*, and *The Wayans Brothers*.<sup>12</sup> The overt retreat back to many of the same stereotypical portrayals was like a slap in the face to Black actors in television as “the industry [chose] to ignore *The Cosby Show*’s record setting success and allowed programs . . . viewed as stereotypical to remain on the air.”<sup>13</sup>

The television landscape only worsened by the late 1990s and the early 2000s. In the fall of 1999, “none of the twenty-six new fall programs starred an African American in a leading role, and few featured minorities in secondary roles.”<sup>14</sup> And in 2000, the major networks’ primetime lineups included almost no Black characters or shows.<sup>15</sup> The overt absence of Black and other minority

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CONTEMP. HIST. 743, 759 (2014) (“[A]dvocates of [W]hite supremacy, who were unwilling to abandon an enduring racial tradition pressured networks to depict blacks in familiar roles that were highly stereotyped.”).

<sup>8</sup> See generally *id.*

<sup>9</sup> See David Atkin, *An Analysis of Television Series with Minority-Lead Characters*, 9 CRITICAL STUD. MEDIA COMM. 337, 338 (1992) (explaining that in the first two decades of Black portrayals on television, networks relied on the stereotyped images that were prominent in radio, where “Blacks were seen inferior, lazy and untrustworthy.” Chief among the offending programs was *Amos ‘N’ Andy*, which showed blacks as lazy, unintelligent, and shiftless”).

<sup>10</sup> SCREEN ACTORS GUILD, *supra* note 4, at 8 (“Because [*The Cosby Show*] refused to trade on age-old stereotypes, the show was somewhat unique . . . That is, it featured the Huxtables, a strong and proud African American Family . . . both parents were professionals . . . the children rarely got into trouble.”).

<sup>11</sup> *Id.* at 9.

<sup>12</sup> *Id.*

<sup>13</sup> Cheryl Smith-Khan, *African American Attorneys in Television and Film: Compounding Stereotypes*, 22 LEGAL STUDIES F. 119, 120 (1998).

<sup>14</sup> Leonard M. Baynes, *White Out: The Absence and Stereotyping of People of Color by the Broadcast Networks in Prime Time Entertainment Programming*, 45 ARIZ. L. REV 293, 293–94 (2003).

<sup>15</sup> Bene Viera, *Black Actresses on Primetime Should Be the Norm*, *Essence* (Sept. 25, 2015),

characters led to protests by identity organizations such as La Raza and National Association for the Advancement of Colored People (NAACP).<sup>16</sup>

Following the historical trend of absent or stereotypical representations of Black Americans on television, portrayals of Black female attorneys—who actually engage in legal work on the screen<sup>17</sup>—are as scarce as one would expect. The first time that television audiences were exposed to the idea that a Black woman could be an attorney was in 1970.<sup>18</sup> And it took little over a decade for actress Jennie Wilson to become the first Black female attorney on television in CBS's *Simon and Simon* in 1981.<sup>19</sup> Since then, primetime network dramas that have had depictions of Black attorneys, like *Law & Order*, overwhelmingly relegate those characters to minor roles.<sup>20</sup> Very few Black actresses have been cast as attorneys, and those characters typically have had their professional lives underplayed or depicted in a negative light.<sup>21</sup>

So, from the dawn of network television, portrayals of Black women have been scarce or inauthentic.<sup>22</sup> Since the 1940s television networks have struggled to depict Black women in non-stereotypical roles. And those few shows that have depicted Black women lawyers on the screen have mostly alluded to those characters' legal careers in the abstract or off-screen.<sup>23</sup>

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<http://www.essence.com/2015/09/25/black-actresses-on-primetime-tv-should-be-norm>.

<sup>16</sup> Baynes, *supra* note 15, at 294.

<sup>17</sup> By this, I mean visibly working with clients, negotiating and closing deals, writing motions, or arguing in the courtroom.

<sup>18</sup> See Ric Sheffield, *On Film: A Social History of Women Lawyers in Popular Culture 1930-1990*, 14 LOY L.A. ENT. L.J. 73, 107 (1993) (“Actress Judy Pace played law student Pat Walters in the ABC series *The Young Lawyers* . . . This is as close as television had come to acknowledging that African-American women could be attorneys.”).

<sup>19</sup> *Id.*

<sup>20</sup> Smith-Khan, *supra* note 14, at 128. See also Sheffield, *supra* note 19, at 108 (explaining that “[t]he handful of African-American actresses who have been cast as lawyers . . . continue to play secondary roles . . .”).

<sup>21</sup> Sheffield, *supra* note 19, at 108 (“[A]lthough Rashad [of the *Cosby Show*] was held out as a role model to attract African-American women to the profession, ‘she did very little visible lawyering’”); see also Smith-Khan, *supra* note 14. Fox Network’s 1990s comedy *Living Single* “is an example of how little progress has been made.” *Id.* Actress Erika Alexander portrays Maxine Shaw, a Black attorney who was fired from a prestigious firm, and later became romantically involved with a client. *Id.* Shaw is portrayed as “an unmotivated lawyer with poor judgement [who] lacks respect for the rules governing her profession. *Id.* She is depicted as a sex-starved woman who chases men. *Id.*”

<sup>22</sup> SCREEN ACTORS GUILD, *supra* note 4.

<sup>23</sup> See generally Smith-Khan, *supra* note 14.

### B. *Scandal's Success Spawned Opportunities for Black Women*

ABC's *Scandal* premiered in the network's 2012 fall lineup, and by all standards was a breakout success.<sup>24</sup> The biggest surprise the show offered was its lead actress Kerry Washington—the first Black female lead in a network drama since 1974.<sup>25</sup> In the show's first two seasons it typically ranked first in its 10:00 PM Thursday time slot, attracting upwards of 8.9 million viewers.<sup>26</sup> As a result of the show's success, Washington became the first Black actress nominated for a “Leading Actress in a Drama Series” Primetime Emmy in almost two decades.<sup>27</sup> The “risky” decision to cast Washington in the lead role of a primetime drama had many hopeful that the show represented “a new era of post racial television, in which cast members are ethnically diverse but are not defined by their race or ethnicity.”<sup>28</sup>

Riding on the coattails of *Scandal's* success, more networks<sup>29</sup> began green-lighting shows with Black actresses as lead characters—and following the trend set by *Scandal*, networks casted lead characters in less stereotypical roles than in the past.<sup>30</sup> NBC premiered *Deception* led by Meagan Good in early 2013, and

<sup>24</sup> See Tanzina Vega, *A Show Makes Friends and History*, N.Y. TIMES (Jan. 16, 2013), <http://www.nytimes.com/2013/01/17/arts/television/scandal-on-abc-is-breaking-barriers.html>.

<sup>25</sup> *Id.* (stating that the first Black actress in a lead role in a network drama was Teresa Graves, who played an undercover cop in “Get Christie Love!” in 1974).

<sup>26</sup> James Hibberd, ‘*Scandal*’ Ratings Leap to All-Time High, ENT. WEEKLY (May 10, 2013), <http://ew.com/article/2013/05/10/scandal-ratings-leap-to-all-time-high>.

<sup>27</sup> See John Boone, *Scandal's Kerry Washington Is the First Black Actress Nominated for a Lead Emmy Since 1995 (And Here's Why She Should Win)*, E! NEWS (July 18, 2013), <http://www.eonline.com/news/440432/scandal-s-kerry-washington-is-the-first-black-actress-nominated-for-a-lead-emmy-since-1995-and-here-s-why-she-should-win> (recalling that the last black actress to be nominated in the category was Cicely Tyson in 1995).

<sup>28</sup> Vega, *supra* note 25; see Mask, *supra* note 6, at 7 (2015), (“[Kerry Washington] is neither a white-washed, kowtowing, uncle-Tomasina nor a scantily clad, hip-hop diva claiming to empower the masses . . .”); see also Taryn Finley, *Kerry Washington: It's Not 'Risky' to Cast Black Actresses. It's Good Sense*, HUFFINGTON POST: BLACK VOICES (Sept. 28, 2015), [http://www.huffingtonpost.com/entry/kerry-washington-its-not-risky-to-cast-black-actresses-its-good-sense\\_us\\_56096333e4b0768126fe3a2e](http://www.huffingtonpost.com/entry/kerry-washington-its-not-risky-to-cast-black-actresses-its-good-sense_us_56096333e4b0768126fe3a2e) (explaining how the decision to cast black actresses in roles was perceived as networks “taking a risk”).

<sup>29</sup> See generally Maria Fernandez, *Kerry Washington Effect: How TV Ditched Stereotypes to Make History*, NBC NEWS (May 15, 2014), <http://www.nbcnews.com/pop-culture/tv/kerry-washington-effect-how-tv-ditched-stereotypes-make-history-n106886> (stating that after the success of *Scandal*, ABC Entertainment Group President, Paul Lee, presented “the most diverse schedule” to advertisers and exclaimed “TV viewers want the world they live in represented on their shows”).

<sup>30</sup> See Rhonesha Byng, *Before 'Scandal,' These Black Actresses Rocked the Small Screen*, HUFFINGTON POST: BLACK VOICES (Oct. 3, 2013), [http://www.huffingtonpost.com/2013/10/02/scandal-black-actresses-small-screen-video\\_n\\_4032727.html](http://www.huffingtonpost.com/2013/10/02/scandal-black-actresses-small-screen-video_n_4032727.html) (noting that the new shows had Black actresses in roles that “stray[] away from the predictable roles black women have had to

Gabrielle Union was cast as the lead in BET's *Being Mary Jane*.<sup>31</sup> Union celebrated the fact that *Scandal* had opened doors for Black actresses, stating that "Success breeds more opportunity . . ." <sup>32</sup>

The show that appeared to truly push network television away from its traditional representation of minority characters, and raised the bar set by *Scandal*, was another ABC primetime drama—*How to Get Away with Murder* (HTGAWM), starring Oscar nominated actress Viola Davis. The show's pilot episode, which premiered in 2013, broke DVR records and its total viewership reached 20.3 million viewers through a combination of DVR viewership and the 14 million viewers who watched the show when it initially aired.<sup>33</sup> HTGAWM's first season was lauded as "revolutionary,"<sup>34</sup> "pushing boundaries,"<sup>35</sup> and it left some wondering if it was "the most progressive show on television."<sup>36</sup> As a result of Davis' performance as Annalise Keating, the actress became the first Black woman to win the Primetime Emmy for "Leading Actress in a Drama Series."<sup>37</sup>

Audiences and critics were quick to praise ABC and HTGAWM for being at the forefront of diversity.<sup>38</sup> However, in the following Part I argue that the show's representation of Black women in the legal profession misses the mark and is not as "progressive" or "revolutionary" as audiences would like to believe. Further, this negative representation of Black women attorneys is consequential and has discernible effects on the general public's opinions and

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portray over the years").

<sup>31</sup> *Id.*

<sup>32</sup> Emily Tess Katz, *Gabrielle Union: We Need More Women of Color 'Over A Size 4, With Darker Skin Tones' In Starring Roles*, HUFFINGTON POST: WOMEN (Dec. 8, 2014), [http://www.huffingtonpost.com/2014/12/08/gabrielle-union-top-five\\_n\\_6288570.html?utm\\_medium=referral&utm\\_campaign=pubexchange\\_article](http://www.huffingtonpost.com/2014/12/08/gabrielle-union-top-five_n_6288570.html?utm_medium=referral&utm_campaign=pubexchange_article).

<sup>33</sup> Katie Roberts, 'How to Get Away With Murder' Pilot Breaks DVR Ratings Record, MOVIEFONE (Sept. 30, 2014), <https://www.moviefone.com/2014/09/30/how-to-get-away-with-murder-dvr-record>.

<sup>34</sup> Richard Lawson, *Is How to Get Away With Murder the Most Progressive Show on Television?*, VANITY FAIR (Oct. 16, 2014), <http://www.vanityfair.com/hollywood/2014/10/how-to-get-away-with-murder-gay-sex> ("[A] 49-year-old, dark-skinned black woman leading a show on a big broadcast network in one of the best time slot on the schedule . . . has agency and depth, she has an active, conflicted sex life, she schemes, she champions, is both noble and flawed. That kind of character is a rare find for Davis.").

<sup>35</sup> See generally Reed Gaudens, *Why Television Needed 'How to Get Away with Murder'*, OBSEV (Oct. 7, 2015), <http://www.obsev.com/entertainment/how-how-get-away-murder-got-away-being-progressive-primetime-soap.html>.

<sup>36</sup> Lawson, *supra* note 35.

<sup>37</sup> Debra Birnbaum, *Viola Davis on Her Groundbreaking Emmy Win: 'I Felt Like I Fulfilled a Purpose'*, VARIETY (Sept. 23, 2015), <http://variety.com/2015/tv/news/viola-davis-emmy-how-to-get-away-with-murder-1201600239>.

<sup>38</sup> *Id.*

beliefs. The narratives and portrayals of working Black women attorneys that ABC broadcasts to its millions of viewers is particularly significant because of the infrequency of those portrayals on television, and their audiences' limited information and interactions with Black women lawyers.

## II. LOOKING BENEATH THE SURFACE AT ANNALISE KEATING'S PORTRAYAL AS A BLACK ATTORNEY

### A. *Traditional Stereotypes of Black Women*

This Section explains three stereotypical depictions of Black women—the Mammy, the Jezebel, and the Angry Black Woman—and then discusses how Annalise's portrayal as a Black attorney closely conforms to these images.

#### i. *The Mammy*

The Mammy character, a stereotype dating back to slavery in the Antebellum South, refers to a “motherly, self-sacrificing Black female servant who is responsible for domestic duties and taking care of those around her.”<sup>39</sup> When the European enslavement of Africans in the U.S. came to an end, the Mammy caricature was presented to counter the reality that Blacks were “beaten, overworked, and raped.”<sup>40</sup> The Mammy image was created from fiction, and presented to the masses to spread the idea that Blacks were content and happy as slaves.<sup>41</sup> The Mammy stereotype has consistently been depicted in popular culture and television, such as the 1950s television show *Beulah*, which featured a character who conformed to the Mammy stereotype by nurturing a White suburban family.<sup>42</sup> In addition, the Mammy is characterized as loyal, faithful,<sup>43</sup> and devoted to her White family; she “oftentimes put[s] the well-being of others before her own.”<sup>44</sup> Finally, the Mammy is portrayed as an “all-knowing, all-seeing, all-hearing, all-understanding figure.”<sup>45</sup> Portrayals of the Mammy stereotype hinder professional Black women because they are given an “additional burden

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<sup>39</sup> Wendy Reynolds-Dobbs et al., *From Mammy to Superwoman: Images That Hinder Black Women's Career Development*, 35 J. CAREER DEV., 129, 136 (2008).

<sup>40</sup> Carolyn West, *Mammy, Jezebel, Sapphire and Their Homegirls: Developing an “Oppositional Gaze” Toward the Images of Black Women*, in LECTURES ON THE PSYCHOLOGY OF WOMEN 286, 289 (J. Chrisler et al. eds., 2008).

<sup>41</sup> See *id.*; see also Dr. David Pilgrim, *The Mammy Caricature*, FERRIS ST. UNIV. (2012), <http://www.ferris.edu/jimcrow/mammies>.

<sup>42</sup> See generally Scott, *supra* note 8, at 743.

<sup>43</sup> Reynolds-Dobbs, *supra* note 40, at 136.

<sup>44</sup> *Id.* at 137.

<sup>45</sup> Kelli An Fristche, *A Critical Analysis and Comparison of Historical Emerging Stereotypes of African American Females on Television* 37 (2015) (unpublished M.A. thesis, University of the Pacific) (on file with the School of International Studies Intercultural Relations, University of the Pacific).

of being a chronic caregiver.”<sup>46</sup> In *How to Get Away with Murder* (HTGAWM), Annalise Keating’s (Keating) personality fits most of these characteristics, although she exemplifies a more modern depiction of the Mammy.

First, Keating is the “all-knowing, all seeing, all hearing and all understanding” figure in the show. In both her professional life as a criminal defense attorney, and her personal life which is chock-full of conspiracies and cover-ups, Keating always knows her enemies’ next move, how to win her clients’ cases, or when one of her students is about to snitch and needs a firm lecture.

Second, the main plot of the first season of HTGAWM revolves around the murder of Keating’s husband. Although Keating is not doing domestic chores like a traditional mammy, she is consistently cleaning up the real-life messes created by those around her. Keating discovered her five interns were responsible for her husband Sam’s murder the night he was killed,<sup>47</sup> but instead of calling the police to report that her law students were responsible for Sam’s murder, she placed her legal career and her life as a free woman in jeopardy to help the students conceal the murder.<sup>48</sup> She devised an elaborate cover-up story that her husband fled the state to avoid prosecution for his involvement in his mistresses’ murder. She then lied to the police throughout her interrogation and the police’s investigation of his disappearance. Her selfless actions indisputably made her an accomplice to his murder.

Critics may argue that Keating’s actions were not self-sacrificing because as Sam’s wife, she was the first person the police would suspect murdered her husband. That argument fails to recognize that Keating is a talented criminal defense attorney, who not only witnessed the real murderer return to the crime scene, but also heard him apologize to her husband’s dead corpse.<sup>49</sup> Further, Keating demonstrated numerous times that she is resourceful, and if the finger was ever pointed at her, she could have easily obtained phone records, or the GPS coordinates of her students’ phones, which would have placed them in her house at the time of Sam’s murder. Thus, it can be inferred that Keating’s involvement in the cover-up of her husband’s murder was not to protect herself.

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<sup>46</sup> West, *supra* note 41, at 289.

<sup>47</sup> *How to Get Away with Murder: Kill Me, Kill Me, Kill Me* (ABC television broadcast Nov. 20, 2014).

<sup>48</sup> See *How to Get Away with Murder: Hello Raskolnikov* (ABC television broadcast Jan. 29, 2015). Keating goes so far as to tell Wes exactly how to dispose of her husband’s dead body. See also Jordan Joyner, *How to Get Away with Rewarding Stereotypes*, ALL DIGITOCRACY (Sept. 2, 2016), <http://alldigitocracy.org/how-to-get-away-with-rewarding-stereotypes> (“A nurturer, the law professor suppresses her emotions to put on a brave face while numbing her internal pain in solitude with endless alcohol consumption.”).

<sup>49</sup> *How to Get Away with Murder: Kill Me, Kill Me, Kill Me*, *supra* note 48.

Instead, her actions were self-sacrificing and done to protect her students. And many of her subsequent actions throughout the first season reflect this sacrificial characteristic prominent within the Mammy stereotype.

Another characteristic of the Mammy that Keating possesses is loyalty and faithfulness to her White family. Keating's deceased husband, Sam Keating, was a White male and a college professor. After Keating discovered Sam was having an affair with his student,<sup>50</sup> and found evidence linking him to the student's death, Keating went out of her way to conceal her husband's involvement in the conspiracy. Keating did this despite Sam's affair and her gut feeling that he was responsible for the murder of his mistress.<sup>51</sup> Again, Keating sacrificed her legal career and her freedom in order to protect a White person, which is analogous to the depictions of the self-sacrificing Mammies of the 1950s.

*ii. The Jezebel*

The Jezebel is typically portrayed as a "fair skinned or mulatto woman," and is also "a shapely, tempting seductress, who uses her body and sexuality to get her way."<sup>52</sup> The Jezebel stereotype became prominent in pop culture in 1970s Black exploitation films,<sup>53</sup> and replaced the Mammy as the dominant image of Black women in American pop culture.<sup>54</sup> Like the Mammy, images of the Jezebel stereotype date back to slavery—when Black women were portrayed as the hypersexual seductress, and the Jezebel characterization "was used to rationalize the sexual relationships between White men and Black women."<sup>55</sup> The Jezebel stereotype "gave the impression that Black women could not be rape victims because they always desired sex. Consequently, perpetrators faced few legal or social sanctions for raping Black women."<sup>56</sup>

More contemporary depictions of the Jezebel represent her as "an overly aggressive Black woman who will do anything to reach the top . . . she may be

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<sup>50</sup> *How to Get Away with Murder: Let's Get to Scooping* (ABC television broadcast Oct. 16, 2014).

<sup>51</sup> *How to Get Away with Murder: Freakin' Whack-a-Mole* (ABC television broadcast Oct. 30, 2014).

<sup>52</sup> Reynolds-Dobbs, *supra*, note 40, at 137.

<sup>53</sup> *Id.*

<sup>54</sup> Pilgrim, *supra* note 42.

<sup>55</sup> Reynolds-Dobbs, *supra* note 40, at 137; *see also* Nastassja Schmiedt & A. Lea Roth, *Hunting for the Perfect Victim*, HUFFINGTON POST (Nov. 22, 2015), [http://www.huffingtonpost.com/nastassja-schmiedt/hunting-for-the-perfect-v\\_b\\_8626034.html](http://www.huffingtonpost.com/nastassja-schmiedt/hunting-for-the-perfect-v_b_8626034.html) ("White slaveowners intentionally cultivated the stereotype of the 'Jezebel' . . . to justify the forced breeding of black women throughout slavery.")

<sup>56</sup> West, *supra* note 41, at 294.

viewed as someone who slept her way to the top.”<sup>57</sup> These images make it difficult for modern Black women to express their sexuality without the negative characteristics of the Jezebel being projected onto them.<sup>58</sup> Moreover, perpetuating the stereotype creates a culture where Black women are seen as hypersexual and sexually “loose” which increases the chances that they are victims of forced sexual encounters.<sup>59</sup>

Although Keating is not the traditional fair skinned woman depicted in early representations of the Jezebel; her portrayal as a tempting seductress is at the core of her relationships with men in both her personal and professional life. First, in episode nine it is finally revealed that before she married Sam, Keating was his mistress.<sup>60</sup> Consequently, Keating’s marriage mimics the way interracial intimate relationships that occurred during and post-slavery were rationalized—a Black woman seduced an innocent White man.<sup>61</sup> In this episode, Sam is portrayed as a formerly married White man who was seduced by Keating’s shapely figure. In a heated exchange with Keating, Sam confesses that he only initially approached her because he thought she would “put out,” and that she was “nothing but a piece of ass . . .”; and he continues to confess, “[t]hat’s all you’re good for—dirty, rough sex . . . that I’m too ashamed to tell anyone about.”<sup>62</sup> In this scene Sam does exactly what White men have done for centuries—blame his extramarital relations with a Black woman on her voluptuous curves and inescapable sexual appeal.<sup>63</sup> Thus, Keating’s portrayal shows that her depiction as a Black woman is not very different from the historical portrayals of Black women as the Jezebel.

Further, in her role as a criminal defense attorney, Keating is portrayed as the contemporary Jezebel who has no reservations about sleeping her way to the top—she even admits to her intern Connor that she does not disapprove of the practice.<sup>64</sup> But that admission from Keating was not necessary in order for viewers to see her as a contemporary Jezebel, because her inappropriate sexual relationship with Nate Lahey—a married detective whose wife was undergoing

<sup>57</sup> Reynolds-Dobbs, *supra* note 40, at 140.

<sup>58</sup> West, *supra* note 41.

<sup>59</sup> *Id.*

<sup>60</sup> *How to Get Away with Murder: Kill Me, Kill Me, Kill Me*, *supra* note 48.

<sup>61</sup> See Reynolds-Dobbs, *supra* note 40, at 137.

<sup>62</sup> *Id.*

<sup>63</sup> See generally Reynolds-Dobbs, *supra* note 40, at 137.

<sup>64</sup> *How to Get Away with Murder: She’s a Murderer* (ABC television broadcast Feb. 12, 2015) (“Do you know why I gave you that trophy the first day? Not because you screwed your way to it, although that’s certainly something I’ve done in my day . . .”).

cancer treatments throughout the first season—is enough to show the contemporary Jezebel stereotype depicted on the screen.

From the beginning of the first season, Keating uses her sexuality as a way to take advantage of, and to seduce Nate so that he will do her bidding. For example, Keating often uses her sexual relationship with Nate to illegally obtain evidence to win her clients' cases, and to encourage him to act as a private investigator to uncover the truth about her husband's whereabouts the night his mistress was murdered.<sup>65</sup>

Not to be outdone by the traditional depictions of the Jezebel, the portrayal of Keating in episode twelve combines both the Mammy and Jezebel stereotypes; in her criminal scheme to cover up her husband's murder, Keating initiated a late-night sexual encounter with Nate to form a solid alibi regarding her location on the evening that her husband disappeared.<sup>66</sup> That evening, Keating immediately drove to Nate's house to seduce him into having sex, all in an effort to protect her law students—whom she knew had murdered her husband.<sup>67</sup> Keating's actions in this episode not only depict the contemporary Jezebel, but also show a clear example of the Mammy, discussed in Part II.A.i *supra*, who goes out of her way to protect others.

### iii. *The Angry Black Woman*

The Angry Black Woman stereotype is referred to by some as the “Sapphire,” which became prominent with the emasculating, “finger-waving, neck snapping” angry black character, Sapphire, on *Amos 'n' Andy* in the 1940s and 1950s.<sup>68</sup> Others view the Angry Black Woman as an updated version of the Sapphire image that has recently emerged with the popularity of reality television and its entertaining characters such as Omarosa Manigault-Stallworth of NBC's *The Apprentice*.<sup>69</sup> Contemporary depictions of the Angry Black Woman rely on

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<sup>65</sup> *How to Get Away with Murder: Smile, or Go to Jail* (ABC television broadcast Oct. 9, 2014).

<sup>66</sup> *How to Get Away with Murder: Kill Me, Kill Me, Kill Me*, *supra* note 48 (telling the police, “I drove to a friend [Nate Lahey's] house and I stayed there several hours . . .”).

<sup>67</sup> *Id.*

<sup>68</sup> Blair L.M. Kelly, *Here's Some History Behind that 'Angry Black Woman' Riff the NY Times Tossed Around*, THE ROOT (Sept. 25, 2014), <http://www.theroot.com/here-s-some-history-behind-that-angry-black-woman-rif-1790877149>.

<sup>69</sup> Friche, *supra* note 46, at 40; see also Vanessa E. Jones, *The Angry Black Woman: Tart-tongued or Driven and No-nonsense, She is A Stereotype That Amuses Some and Offends Others*

BOSTON GLOBE (Apr. 20, 2004), [http://archive.boston.com/yourlife/articles/2004/04/20/the\\_angry\\_black\\_woman](http://archive.boston.com/yourlife/articles/2004/04/20/the_angry_black_woman) (“Omarosa's behavior projects the most negative stereotypes of black women in corporate America: “angry, conniving, defensive, and impossible to work with.”).

some of the same negative characteristics that were prominent in the 1940s.<sup>70</sup> The Angry Black Woman depicted on screens today is “overly aggressive and masculinized,”<sup>71</sup> and is “achievement-oriented, kind of no-nonsense, overworked . . . not particularly kind or compassionate . . .”<sup>72</sup>

Within the first eight minutes of the show’s pilot, Keating demonstrated the no-nonsense attitude illustrative of the Angry Black Woman stereotype through her use of the Socratic method. It can be argued that Keating’s cold-calling is no different than its use in popular legal films like *Legally Blonde*,<sup>73</sup> and *The Paper Chase*;<sup>74</sup> however, Keating’s no-nonsense cold-calling takes those traditional movie scenes a step further—and portrays her as the Angry Black Woman. To illustrate, in the pilot’s second scene, Keating cold-called Wes Gibbins—who quickly admitted he was unprepared for the first day of class.<sup>75</sup> Unrelenting, Keating slowly prowled up the stairs toward where Wes was seated, and while speaking in an intimidating tone she insinuated he was a liar.<sup>76</sup> Keating continued to drill him, declaring the answer is “nothing more than common sense.”<sup>77</sup> When another student, Laurel Castillo, chimed in with the correct answer in an attempt to relieve Wes from the uncomfortably aggressive cold-call, Keating became visibly upset. Next, Keating menacingly reprimanded Laurel, “Don’t ever take away a learning opportunity away from another student . . . no matter how smart you need everyone to think you are.” This opening scene set the tone for the remainder of the season, where Keating was portrayed as overly aggressive in the classroom, in her personal life, and in her role as an attorney.

Later in the pilot episode, Keating was defending a client against a murder charge at trial.<sup>78</sup> The prosecution surprised Keating and admitted an incriminating video of Keating’s client into evidence.<sup>79</sup> Then, the trial scene immediately cuts to a private meeting with Keating, her two associates, and the client.

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<sup>70</sup> The 1940s show *Amos 'n' Andy* featured a nagging and hostile Black female character, Sapphire, who “originated” this image of Black women on television. See Celeste Walley-Jean, *Debunking the Myth of the “Angry Black Woman”*: An Exploration of Anger in Young African American Women, 3 BLACK WOMEN, GENDER & FAMS. 68, 70 (2009).

<sup>71</sup> *Id.*

<sup>72</sup> Jones, *supra*, note 70.

<sup>73</sup> LEGALLY BLONDE (Type A Films 2001).

<sup>74</sup> THE PAPER CHASE (Thompson-Paul Productions 1973).

<sup>75</sup> *How to Get Away with Murder*: “Pilot” (ABC television broadcast Sept. 25, 2014).

<sup>76</sup> *Id.* (“As a defense attorney, I spend most of my time around professional liars, so you’re going to have to work really hard to fool me.”).

<sup>77</sup> *How to Get Away with Murder*: “Pilot”, *supra* note 76.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

Lacking all compassion for her client, Keating instantly berated her, “You had one job!” she yelled, “To let us know what bodies we needed to bury—texts, calls, anything we needed to destroy.”<sup>80</sup> And like the achievement oriented Angry Black Woman, Keating told her associates, “I’ll fix it, just stay here and collect a paycheck,” thus, admitting her belief that she is the only person capable of rehabilitating the witness and salvaging the case.

Additionally, a frequent representation of Keating’s anger is the tone of her voice.<sup>81</sup> In her conversations with students, clients, and coworkers, Keating’s tone typically fluctuates between stern, dissatisfied, and angry. Her cross-examinations in the courtroom are no different, and in episode six, Keating’s tone during a cross-examination was so egregious that her intern wondered what his options would be following her disbarment.<sup>82</sup>

In this cross-examination, Keating completely ignored opposing counsels’ objections and went on a tirade against the witness for 68 seconds—going so far as blatantly accusing him of setting up her client and murdering the victim.<sup>83</sup> The chief justice in this scene warned Keating repeatedly to come to order, yelling, “Mrs. Keating, enough!”<sup>84</sup> And when she ignored his directives, the chief justice had to threaten her, “You say another word and I’ll have no choice but to throw you in jail!”<sup>85</sup> Remarkably, Keating’s outbursts resulted in her client’s conviction being vacated, but that was not before the chief justice scolded Keating like a child—telling her, “You’ve operated with blatant disrespect for this court and its protocols. And your argument, when isolated from all the bluster, seems to consist entirely of speculation.”<sup>86</sup>

In response to the criticism that characters like Keating are portrayed as Angry Black Women, author Kadeen Griffiths argues, “Every woman on the planet has sass and smart-ass qualities in them, but it seems sometimes only black women are defined by it.”<sup>87</sup> In response to Kadeen, I argue that Keating’s representations as an Angry Black Woman are intentional, and are not an oversimplified characterization of her personality. Like the primetime drama

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<sup>80</sup> *Id.*

<sup>81</sup> *Using Your Voice*, BBC, <http://www.bbc.co.uk/education/guides/z3c2yrd/revision/2> (“Tone of voice is its ‘colour’ or emotional quality[.]”).

<sup>82</sup> *How to Get Away with Murder: Freakin’ Whack-a-Mole*, *supra* note 52 (“Here’s a question, if she gets disbarred—does it go on our records too?”).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> Kadeen Griffiths, ‘New York Times’ Reduces Shonda Rhimes Characters to Unfair Angry Black Woman Stereotype, *BUSTLE* (Sept. 19, 2014), <https://www.bustle.com/articles/40644-new-york-times-reduces-shonda-rhimes-characters-to-unfair-angry-black-women-stereotype>.

version of breakout reality star, Omarosa, HTGAWM's depiction of Keating as an Angry Black Woman is most likely for the show's ratings.<sup>88</sup> The reality shows that have dominated screens over the past decade demonstrated to production companies and studios that the stereotypical portrayal of Black women as angry, conniving, and aggressive lead to strong viewership.<sup>89</sup>

### III. TELEVISION PORTRAYALS AND THEIR IMPACT ON BLACK WOMEN ATTORNEYS

This Part observes the significant role that television portrayals have on people's perceptions of other races, particularly of Black Americans. Then, it discusses how negative portrayals leads to the perpetuation and validation of negative stereotypes. It concludes by suggesting that unconscious beliefs formed through television portrayals may negatively impact Black women and their ability to succeed in law firms.

#### A. *Annalise Keating's Portrayal is Consequential, Because for Some, Television Portrayals are Indistinguishable from Fact*

Due to the history of race relations in the United States, and continued segregation based on class and race that exists today,<sup>90</sup> images portrayed on television have a major societal impact.<sup>91</sup> Viola Davis' portrayal of Keating is likely

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<sup>88</sup> See Tyler Young, *America's Obsession with Reality TV And the Angry Black Woman Myth*, BLAVITY, <https://blavity.com/reality-tvs-angry-black-woman-stereotype>. On hit reality shows like *Bad Girls Club* and *The Real Housewives of Atlanta*, Black women are portrayed as angry, loud, and mad for entertainment purposes. *Id.* The stereotype of the Angry Black Woman is "crucial for both rating [sic] and keeping this golden narrative alive." *Id.*; see also Jennifer L. Pozner, *Reality TV's Nine Worst Stock Characters*, NEWSWEEK (Nov. 11, 2010), <http://www.newsweek.com/reality-tvs-nine-worst-stock-characters-69803> ("black women's . . . verbal sparring . . . draw boffo [sic] ratings for Bravo.").

<sup>89</sup> See generally Young, *supra* note 89; see also Ronda Penrice, *Do angry black women on 'Apprentice' win big ratings?*, THE GRIO (Mar. 7, 2011), <https://thegrio.com/2011/03/07/do-angry-black-women-on-apprentice-win-big-ratings> ("Trump loves the tension because that means a ratings bonanza . . . as the season goes on, ratings shouldn't be a problem, as many will tune in to catch [Black women] fight tooth and nail.").

<sup>90</sup> See, e.g., Greg Toppo, *GAO Study: Segregation worsening in U.S. schools*, USA TODAY (May 17, 2016), <https://www.usatoday.com/story/news/2016/05/17/gao-study-segregation-worsening-us-schools/84508438> (stating that the Government Accountability Office's findings that schools are increasingly segregated by race and class are not new, but simply echo the complaints that civil rights advocates have had for years); see also Bobby Scott, *America's schools are still segregated by race and class. That has to end*, GUARDIAN (May 19, 2016), <https://www.theguardian.com/commentisfree/2016/may/19/america-schools-segregation-race-class-education-policy-bobby-scott>, (stating that over 60 years after *Brown v. Board of Education*, "research consistently shows that our nation's public schools remain segregated by both race and class").

<sup>91</sup> See generally Smith-Khan, *supra* note 14, at 120 ("[A] significant portion of society know

one of the few, if not the first, time that some television viewers have seen a Black woman working as an attorney.<sup>92</sup> Author Cheryl Smith-Khan argues that Black attorneys, “carry a double burden: unflattering racial stereotypes combined with the [traditional] negative treatment of attorneys.”<sup>93</sup> The writers of HTGAWM must be cognizant of that “double burden,” and find new ways to portray Keating without relying so much on traditional Black stereotypes and the traditional negative portrayal of criminal defense attorneys on television<sup>94</sup>—or simply continue to depict a character without many redeeming qualities in her life as either a professional attorney or a Black woman.

American households watch an average of five hours of television per day, and that amount is continuing to increase.<sup>95</sup> Due to the substantial amount of time that Americans spend in front of television screens, the images Americans watch on television have a significant impact on viewers’ perceptions about the real world—including perceptions about race.

Television shows can be seen as a “window on the world,” and as a way to provide people with information they would not otherwise be able to attain.<sup>96</sup> As a result of the segregation that exists in American society today,<sup>97</sup> people may rely on images from television in order to learn about different cultures, races, and other groups of people who they do not interact with daily.<sup>98</sup> When discussing the importance of the portrayal of Black Americans on television shows following the end of *The Cosby Show*’s successful run, Bill Cosby stated that “there are people watching these shows who know nothing about [Black

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African Americans only from the images they see on television.”).

<sup>92</sup> See generally Baynes, *supra* note 15, at 299 (“Since we live in a relatively segregated country, many [W]hites often have more electronic, rather than personal, encounters with people of color. Therefore, their attitudes are likely to be shaped by what they see on television.”).

<sup>93</sup> Smith-Khan, *supra* note 14, at 119.

<sup>94</sup> See *Id.*, at 123 (noting that “the public seldom ranks lawyers among the virtuous,” and “[m]edia portrayals, particularly on television, contribute to the negative image of lawyers”).

<sup>95</sup> See John Koblin, *How Much Do We Love TV? Let Us Count the Ways*, N.Y. TIMES (June 30, 2016), [https://www.nytimes.com/2016/07/01/business/media/nielsen-survey-media-viewing.html?\\_r=1](https://www.nytimes.com/2016/07/01/business/media/nielsen-survey-media-viewing.html?_r=1).

<sup>96</sup> Sherryl Brown Graves, *Television and Prejudice Reduction: When Does Television as a Vicarious Experience Make a Difference*, 55 J. SOC. ISSUES, 707, 707 (1999).

<sup>97</sup> Toppo, *supra* note 91.

<sup>98</sup> See Graves, *supra* note 97, at 715 (“[W]hite children . . . use television as a primary source of information to learn about different racial/ethnic groups . . . In general, then, television would appear to be very influential in the development of racial schemata among White children[.]”) (citation omitted); see also Smith-Khan, *supra* note 14, at 121 (discussing how the portrayals of Black Americans on television are overwhelmingly negative and concluding that, “[w]hite children who had the least opportunity to interact with African American children were most likely to believe that [television] portrayals were realistic”).

Americans]”<sup>99</sup> which highlights the importance of being deliberate in how Black Americans are represented on the screen. Positive and accurate images ensure that representations of Black Americans avoid an overreliance on the traditional negative stereotypes which have plagued television shows since their inception.

In her research on the role that television portrayals have on viewers and in the development of stereotypes, author Sherryl Graves posited that, “[t]elevision role portrayals are relevant to the creation of cognitions about racial groups (stereotypes) . . . ;”<sup>100</sup> and concluded that “short and long-term exposure to televised racial portrayals can influence racial attitudes and perceptions.”<sup>101</sup> Additionally, author Narissra Punyanunt-Carter found that exposure to negative and stereotypical portrayals of Black Americans on television “significantly influences the evaluations of [Black] Americans in general,” and television viewers perceived negative personality characteristics that are portrayed by Black Americans on television as “real or true to life.”<sup>102</sup> Punyanunt-Carter concluded that “negative portrayals often lead to the continuation of stereotypes of African Americans. . . . and influences certain (adult) beliefs.”<sup>103</sup> For that reason, it is crucial to the progress of Black Americans in the legal field that HTGAWM avoid relying on negative historical stereotypes in crafting Keating’s multifaceted character.<sup>104</sup>

Not only do negative portrayals of Black women on television result in the continuous perpetuation of traditional stereotypes that shape audiences’ perceptions about Black women socially, they also may lead to the formation of unconscious biases toward Black women which can negatively impact their ability to succeed professionally. The following Section discusses how the stereotypes portrayed on HTGAWM may lead to unconscious decisions that negatively affect many Black women’s ability to succeed in the legal profession.

### B. *Implicit Biases Negatively Impact Black Women in the Legal Field*

In contrast to stereotypes—beliefs and attitudes about groups that people are aware they hold<sup>105</sup>—implicit biases are unconscious and automatic attitudes that impact the decisionmaking of individuals.<sup>106</sup> Implicit racial bias is “the

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<sup>99</sup> Smith-Khan, *supra* note 14, at 100.

<sup>100</sup> Graves, *supra* note 97, at 708.

<sup>101</sup> *Id.* at 716.

<sup>102</sup> Narissra M. Punyanunt-Carter, *The Perceived Realism of African American Portrayals on Television*, 19 *How. J. COMM.* 241, 242, 252 (2008).

<sup>103</sup> *Id.* at 251–52.

<sup>104</sup> See generally Baynes, *supra* note 15, at 299.

<sup>105</sup> Blum, *supra* note 5, at 251.

<sup>106</sup> See generally Jeffrey J. Rachlinski et al., *Does Unconscious Racial Bias Affect Trial Judges*, 84 *NOTRE DAME L. REV.* 1195 (2008).

collection of unconscious associations we make about racial groups.”<sup>107</sup> Implicit biases reflect societal messages, including depictions of Black women in the media,<sup>108</sup> and, not surprisingly, implicit racial bias has been shown to “influence and predict real-world interactions.”<sup>109</sup> The Ohio State University Kirwan Institute explains: “[A] White adult who has had little or no interaction with African Americans . . . starting in childhood . . . may be bombarded with distorted negative images of African Americans on television . . . . This input can lead to unfounded negative attitudes about African Americans.”<sup>110</sup>

Considering the role that stereotypes and implicit biases play in interactions between people of different races, and the fact that the legal profession is the least diverse profession in the nation,<sup>111</sup> the conscious stereotypes and implicit biases that partners and associates in law firms<sup>112</sup> possess may explain why the number of Black women in law firms fails to increase at the same rate as other minority groups.<sup>113</sup> Alarming, the number of Black women represented in law firms declined every year from 2009–2016.<sup>114</sup> There is still research to be done regarding the impact of negative television portrayals of Black women on the formation of implicit biases in law firms, but the fact that Black women in the legal profession have to consistently fight against the misconceptions which stem from persistent portrayals of Black women as Jezebels, Mammys, and Angry Black Women, may help explain why they feel excluded,<sup>115</sup> invisible,<sup>116</sup>

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<sup>107</sup> Jessica Blakemore, *Implicit Racial Bias and Public Defenders*, 29 GEO. J. LEGAL ETHICS 833, 834 (2016).

<sup>108</sup> See generally Laura Geggel, *How Racism Persists: Unconscious Bias May Play a Role*, LIVESCIENCE (July 8, 2016), <https://www.livescience.com/55337-unconscious-racial-bias.html>.

<sup>109</sup> Blakemore, *supra* note 108, at 835.

<sup>110</sup> KIRWAN INSTITUTE, UNDERSTANDING IMPLICIT BIAS 2, available at [http://kirwaninstitute.osu.edu/docs/implicit-bias\\_5-24-12.pdf](http://kirwaninstitute.osu.edu/docs/implicit-bias_5-24-12.pdf).

<sup>111</sup> Deborah Rhode, *Law is the least diverse profession in the nation. And lawyers aren't doing enough to change that*, WASH. POST (May 27, 2015), [https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/?utm\\_term=.75a501700d8a](https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/?utm_term=.75a501700d8a).

<sup>112</sup> Only 1.81 percent of partners in law firms are Black. NAT'L ASS'N L. PLACEMENT, *supra* note 2, at 8.

<sup>113</sup> See *Id.*

<sup>114</sup> See NAT'L ASS'N L. PLACEMENT, *supra* note 2, at 8; see also Liane Jackson, *Minority Women Are Disappearing from BigLaw—and Here's Why*, ABA J. (Mar. 1, 2016), [http://www.abajournal.com/magazine/article/minority\\_women\\_are\\_disappearing\\_from\\_biglaw\\_and\\_heres\\_why](http://www.abajournal.com/magazine/article/minority_women_are_disappearing_from_biglaw_and_heres_why). (“Eighty-five percent of minority female attorneys in the U.S. will quit large firms within seven years of starting their practice. According to the research and personal stories these women share, it’s not because they want to leave, or because they ‘can’t cut it.’ It’s because they feel they have no choice.”).

<sup>115</sup> Jackson, *supra* note 115.

<sup>116</sup> *Id.*

and a lack of support within law firms<sup>117</sup>—which inevitably pushes them out of the firms.<sup>118</sup>

Discussing the impacts that the stereotypes of the Jezebel, the Mammy, and the Angry Black Woman have on Black professional women, Wendy Reynolds-Dobbs and others, first explain that the Mammy stereotype may hinder professional Black women who are viewed as fitting the stereotype by limiting them to minority, diversity, or other support positions.<sup>119</sup> Nurturing and caretaking abilities are positive characteristics, but are not viewed as characteristics of influential leaders.<sup>120</sup>

Viewing Black women as the Jezebel also hinders upward mobility in a professional setting. They are “viewed as women who have used their sexuality to move upward on the corporate ladder, they are not seen as real leaders,” and those perceptions lead others to question their “credibility, authority, and skills.”<sup>121</sup>

Finally, explicit or unconscious beliefs that a Black professional woman is the Angry Black Woman may also limit the progression of Black women in law firms. “[P]eople expect Black women to be hard and tough, which once again overshadows their talents and professional skills.<sup>122</sup> That stereotype can lead coworkers and supervisors to view the Black woman as “unfriendly, unstable, argumentative, and hard to work with,” and cause other people in the company to “not want to assist them in their career advancement.”<sup>123</sup>

## CONCLUSION

This Comment briefly examines the history of Black Americans' representations in television and popular culture. It posits that Annalise Keating is not a progressive or revolutionary representation of Black women. Instead, Keating's portrayal as a Black attorney is primarily based on the same traditional negative stereotypes of Black women that date back to slavery in this country. Then, it examines the impact that stereotypical television portrayals have on the general public, and suggests that negative television portrayals may affect real world perceptions of Black women. By observing how

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<sup>117</sup> See Stephanie Russell-Kraft, *Law Firms Struggle to Hire and Keep Black Women*, BLOOMBERG LAW (Jan. 6, 2017), <https://bol.bna.com/law-firms-struggle-to-hire-and-keep-black-women>.

<sup>118</sup> Jackson, *supra* note 115.

<sup>119</sup> Reynolds-Dobbs, *supra* note 40.

<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

television portrayals impact beliefs about Black Americans, it posits that negative television portrayals of Black women may also lead to the formation of unconscious beliefs and attitudes which make it challenging for Black women to excel in law firms.