

DECLARATION OF DARNELL HUNT, PH.D.
REGARDING LENHOFF V. UTA and ICM

I, Darnell M. Hunt, Ph.D., declare as follows:

1. I am Professor in the Department of Sociology and the Department of African American Studies, in the Division of the Social Sciences, and Director of the Ralph J. Bunche Center for African American Studies at the University of California, Los Angeles (UCLA), where I have been employed since 2001. On July 1, 2015, I began a three-year term as Chair of the Department of Sociology at UCLA, while completing my final term as Director of the Bunche Center. The Bunche Center, which operates as a campus-based “think tank,” is an organized research unit (ORU) within the University of California system devoted to the study of African American history, culture, and contemporary life. Prior to my tenure at UCLA, I was promoted from Assistant Professor, to Associate Professor, and to Professor of Sociology at the University of Southern California (USC), where I began my academic career as a sociologist in 1994. I chaired the Department of Sociology at USC prior to leaving for my current positions at UCLA. I received my A.B. degree in journalism from USC in 1984, my M.B.A. from Georgetown University in 1988, and my M.A. and Ph.D. in sociology from UCLA in 1991 and 1994, respectively. My areas of expertise include race relations, media, Hollywood diversity, and popular culture.

2. First as a staff consultant for the U.S. Commission on Civil Rights for its 1993 Los Angeles Hearing, and later as a professor and researcher at USC and UCLA, I have studied issues related to diversity (or the lack thereof) in the Hollywood industry for more

than 20 years. For more than 15 years, I have served as a consultant on these matters to several industry stakeholders, including the Writers Guild of America, West and the Screen Actors Guild. In 2010, I testified before the House Judiciary Committee on the likely impact of the then-proposed merger of Comcast and NBC Universal on industry diversity.

3. I have written or edited four scholarly books, of which one is directly related to matters of diversity in Hollywood — *Channeling Blackness: Studies on Television and Race in America* (Oxford University Press, 2005). Most recently, I published a scholarly article on diversity and television writing — “Hollywood Story: Diversity, Writing, and the End of Television as We Know It” — in *The Sage Handbook of Television Studies* (Sage Publications, 2015).

4. I have also authored a series of reports examining the state of diversity in the Hollywood entertainment industry. These include *The 2016 Hollywood Diversity Report: Busine\$\$ as Usual* (with Ana-Christina Ramon and Michael Tran); *The 2015 Hollywood Diversity Report: Flipping the Script* (with Ana-Christina Ramon); and *The 2014 Hollywood Diversity Report: Making Sense of the Disconnect* (with Ana-Christina Ramon and Zachary Price), all released by UCLA’s Bunche Center; *The Hollywood Writers Report*, issued by the Writers Guild of America with installments in 2005, 2007, 2009, 2011, and 2014; and *The African American Television Report*, released by the Screen Actors Guild in June of 2000.

5. I am currently a member of the American Sociological Association and the Association of Black Sociologists.

The Case Regarding UTA and ICM

6. I have been asked by attorney Philip Kaplan to analyze data pertaining to 119 packaged television series for the 2001-02 season, 350 packaged series for the 2014-15 season, and 454 packaged series for the 2015-16 season.¹ The spreadsheets provided to me contained information about the talent agencies responsible for each packaged television series, as well as the names of talent included as part of each project. Of particular interest were the race/ethnicity and gender of the subset of talent that the agencies used to sell packaged series to the networks. These package “drivers” were flagged for each series in the spreadsheet.

Talent Agencies as TV Development Gatekeepers

7. “Packaging” is the process by which talent agencies initiate projects for their clients, as opposed to simply securing work for their clients on projects that are already in the development pipeline. As previous research shows, core (or “uber”) agencies are uniquely situated to participate in packaging because of their large, exclusive, and in-demand talent rosters.² In the television arena, these core agencies — unlike their smaller counterparts — are able to package together top acting, writing, producing and directing talent for a given project and provide an invaluable service to broadcast and cable networks seeking to develop new series. The uber agencies are thus gatekeepers in the

¹ Please note that the 2001/2002 data show 157 packaged series. However, there were actually 119 packaged series. Similarly, while the 2014-2015 data show 353 packages, three of the series did not allocate a package count, leaving a total package count of 350.

² Bielby and Bielby, “Organizational Mediation of Project-Based Labor Markets: Talent Agencies and the Careers of Screenwriters,” *American Sociological Review*, Vol. 64., No. 1, 1999.

television development process. On the one hand, these dominant agencies are in a position to provide the talent they represent with unparalleled access to lucrative industry work. On the other, by selling packaged ideas and talent to the networks, these agencies directly shape the types of scripted television series most likely to see the light of day. The power of the uber agencies, as one study put it, “rivals that of the major studios at the height of the studio system.”³

8. In 2016, four core talent agencies — William Morris Endeavor (WME), Creative Artists Agency (CAA), ICM Partners, and United Talent Agency (UTA) — occupy a privileged position in the Hollywood entertainment industry. Through mergers, the acquisition of private equity capital, and vertical integration into a number of entertainment-related domains (e.g., music, literary, sports, commercials), these uber agencies have been able to stockpile in-demand acting, writing, producing, and directing talent. Indeed, my analysis shows that the uber agencies represented nearly all of the talent who were “drivers” (i.e., particularly attractive to the networks) of the 454 packages examined for the 2015-16 season (95.5 percent). This represents a 3.1 percentage point increase over the 92.4 percent share of package drivers the uber agencies claimed for the 2014-15 season. Though still dominant, the uber agencies⁴ had claimed on their rosters just 72.4 percent of the package drivers for the 2001-02 television season — a figure 23.1 percentage points lower than the 2015-16 figure (See Exhibit 1). In other words, the dominance of the uber agencies as gatekeepers has increased significantly over time. This finding is consistent with findings from earlier

³ Ibid, p. 67.

⁴ Because the 2001-02 season was before the merger of William Morris and Endeavor, five separate agencies were included in the totals for that season.

studies that document the increasing influence the core talent agencies exert over the television development process.⁵

Uber Agencies as Barriers to Diversity

9. While the uber agencies' influence over the television development process has skyrocketed since the 2001-02 season, the diversity of the talent driving their packaging has remained flat. My analysis shows that minorities constitute 12 percent of all agency package drivers for the 2015-16 season, up a mere 3.7 percentage points from the 8.3 percent figure posted for the 2001-02 season — despite the fact that three times as many shows were packaged in 2015-16. Minorities accounted for just 10.7 percent of package drivers a year earlier, during the 2014-15 season (see Exhibit 1). But over the same period, the minority share of the U.S. population grew by 9 percentage points, from about 30 percent to 39 percent. Relative to the increasing diversification of American society, minorities have thus made little progress over the past 15 television seasons as the drivers of television packaging. The degree of minority underrepresentation for the 2015-16 season — a factor of 3.3 to 1 — is but a small improvement over the 3.6 to 1 figure evident for the 2001-02 season.

10. While comprehensive studies of agent diversity at all four of the uber agencies are not available, a recent study of the three largest agencies reveals that 96.7 percent of the partners running these industry gatekeepers were white, as were 90.8 percent of the agents brokering the deals. These important positions were also

⁵ See the 2014 Hollywood Diversity Report: Making Sense of the Disconnect and the 2015 Hollywood Diversity Report: Flipping the Script, both released by the Ralph J. Bunche Center for African American Studies at UCLA.

disproportionately male, 71.4 percent of the partners and 68.1 percent of the agents.⁶ Anecdotal observations and other information suggest that the agents responsible for nearly all television packaging are almost exclusively white and overwhelmingly male at the remaining uber agency as well. This lack of agent diversity most certainly affects the types of packages the uber agencies are predisposed to initiate. This idea, of course, is consistent with my finding that minorities have remained woefully underrepresented among the talent driving packages over the past 15 seasons (see #9 above). It is also consistent with my finding that women — nearly 51 percent of the population — constituted just 18.6 percent of package drivers for the 2001-02 season and 21.4 percent for 2015-16, a mere 2.8 percentage point increase over 15 seasons (see Exhibit 1).

11. A treasure trove of data documents the severe and persistent underrepresentation of minorities and women among the corps of television writers.⁷ Minorities, in particular, constituted just 13.7 percent of the writer/producers staffing television series for the 2013-14 season — up 4.9 percentage points from the 8.3 percent figure posted for the 2001-02 season (see Exhibit 1). When the television writer/producers with the most influence over the creative process are considered, the numbers are even worse for minorities. Only 5.5 percent of executive producers for the 2013-14 television season were minorities, which corresponds to underrepresentation for the group by a factor of nearly 7 to 1 among the corps of executive producers.⁸ These data, too, are consistent with a television development process dominated by uber

⁶ See the 2016 Hollywood Diversity Report: Business as Usual, Ralph J. Bunche Center for African American Studies, February 2016.

⁷ See The 2014 Hollywood Writers Report: Turning Missed Opportunities Into Realized Ones, Writers Guild of America, West.

⁸ See WGAW 2015 TV Staffing Brief, Writers Guild of America, West.

agencies that fail to package series with diverse “drivers.”

The Costs of Lagging Diversity

12. The stranglehold the uber agencies have achieved over the television development process does more than just erect barriers to employment for diverse talent deemed unworthy of representation by these gatekeepers; it also limits the diversity of the stories to which audiences have access. Because a packaged television series is largely a function of the package drivers an uber agency uses to sell it to a network, and because minorities have been so severely underrepresented among this talent, the diversity of stories available to the public has undoubtedly suffered.⁹

13. As humans, we are addicted to story.¹⁰ The television industry caters to our thirst for stories by providing us with a seemingly endless supply of scripted television series. We live vicariously through the pleasures and pains of the characters presented in these productions as we try their predicaments on for size. In this way, television images contribute greatly to how we think about ourselves in relation to others.¹¹ A large body of social science research underscores the normalizing role television plays in society.¹² When marginalized groups in society are absent from the stories a nation tells about itself, or when media images are rooted primarily in stereotype, inequality is normalized

⁹ Ibid.

¹⁰ Gottschall, Jonathan. 2013. *The Storytelling Animal: How Stories Make Us Human*, Mariner Books.

¹¹ Hall, Stuart, Jessica Evans and Sean Nixon. 2013. *Representation: Cultural Representations and Signifying Practices*. London: Sage.

¹² For example, see Entman, Robert M. and Andrew Rojecki. 2001. *The Black Image in the White Mind: Media and Race in America*. Chicago: University of Chicago Press. See also, Hunt, Darnell M. 2005. *Channeling Blackness: Studies on Television and Race in America*. New York: Oxford University Press.

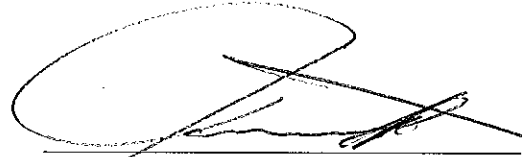
and is more likely to be reinforced over time through our prejudices and practices.

14. Moreover, new research has repeatedly demonstrated that audiences prefer television programming that reflects the nation's population diversity. The Bunche Center's 2014, 2015, and 2016 Hollywood Diversity Reports document that scripted television series featuring casts that are greater than 30 percent diverse post, on average, the highest ratings. But the lion's share of the series packaged by the uber agencies continues to fall far short of this diversity threshold.

Conclusion

15. In sum, between the 2001-02 and 2015-16 television seasons, the uber agencies increased their share of the talent driving scripted television packaging by 23.1 percentage points, to an industry dominating 95.5 percent share. As gatekeepers in the television development process, these agencies have failed to produce packages that promote significant advances in television diversity. Minorities — relative to their growing population share — have made almost no progress with respect to agency packaging drivers between the 2001-02 and 2015-16 seasons. As a result, the public has been denied access to a menu of television storytelling more resonant with the needs and desires of a rapidly diversifying America.

16. The foregoing is true and correct and executed under the penalty of perjury under the laws of the United States and the State of California on March 21, 2016.

A handwritten signature in black ink, consisting of a large, stylized loop at the top and several horizontal strokes below it, crossing over each other.

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