

Insights



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The Scrivener: Emoji and Emoticons in Legal Writing: 🙄(ツ)🙄

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Let me say this up front before we even get started: emoticons and emoji should not be used in formal legal writing or in any business communications. **Do not do it**—not in court documents, not in e-mails, not in letters, not in texts, not in tweets.

However, we cannot pretend like they do not exist. In fact, 92 percent of the online population use emoji, and 2.3 trillion mobile messages incorporate emoji in a single year. See Eric Goldman, *Emojis and the Law*, 93 Wash. L. Rev. 1227, 1229 (2018). The “Face With Tears of Joy” emoji, alone, has been used in over two billion tweets. Id.

Therefore, whether or not you like emoticons and emoji, they are extremely popular and have even infiltrated the courts, so now they are a part of our great body of law. For that reason, lawyers should know more about them and their potential legal consequences.

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