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Commenting by Emoji: A Tentative Glossary for Legal Writing Professors

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Commenting by Emoji: A Tentative Glossary for Legal Writing Professors by Jennifer Murphy Romig, Emory University School of Law

-  Applause
-  Thumbs up
-  Fist bump - this did exactly what it needs to do
-  Nice job
-  Victory over a tough segment
-  Strong work
-  Great
-  This is cool
-  Glad to see this
-  This is a big improvement over the first draft
-  Need to geek out on these citations a little bit more - work on details
-  Trying to understand what this is saying
-  I think I understand the intent here, but it needs work
-  Hard to comment on this right here; let's discuss later
-  This is moving very slowly and a bit boring; please tighten
-  Persevere; this is so close but needs more editing
-  This attempt at humor did not work
-  Confused by this
-  Worried about the research here - please check
-  We went over this topic in class
-  We went over this exact point in class
-  We went over this exact point repeatedly in class
-  Personalized comments on an earlier draft already covered this exact point
-  Fearful about the risks to your client here - this is not reliable
-  Good idea - develop in more detail
-  This reads robotically - tailor the content for the situation
-  Reader does not have a crystal ball - explain the structure to come
-  This reads like a book report - need to give more context/connection to cases
-  This reads like a straight chronology - evaluate better ways to frame facts
-  Anchor each section with a rule - start with the essential test here
-  Feels like rough notes - need to develop
-  Paragraph needs to be cut - too long
-  Work on editing this for general clarity and conciseness

-  Paint more of a picture - this is very abstract
-  Don't need to announce you're about to make a point - just make the point
-  Reader already knows this so you don't need to say it
-  Great job painting a vivid picture
-  Go back and verify the record on this point
-  Elegant
-  Read this out loud and edit so it sounds better
-  No need to shout with caps or emphasis
-  Ghost of your prior draft causing inconsistency here
-  Write more for the audience
-  Needs to be more formal
-  This reads like legalese
-  Need more of an umbrella to hold the parts together below
-  Hard to see the real point here
-  This moves too slowly - edit for efficiency
-  Great job
-  Hate to rain on your parade, but are you sure this case is binding?
-  Great turn of phrase - the reader will remember this
-  Caterpillar could become a butterfly with more editing
-  This is going too fast and skipping steps
-  Don't save your point for later; go ahead and make it now
-  Icy cold toward the client; what if the client reads this memo?
-  Overly dramatic
-  Show the steps of your logic please
-  This is boring and makes the reader need coffee
-  Don't make the reader guess what you are thinking
-  Trophy for good work
-  Need to organize the facts better, like movie scenes
-  Obvious attempt to build sympathy for client (too obvious)
-  This is comparing apples and oranges
-  This makes the client feel like you're just rolling the dice; need to make the prediction as certain as you responsibly can
-  This hits the target
-  Need more legal research
-  Need more proofreading

-  Make verbs active (unless an exception applies)
-  Passive voice might actually make this more effective
-  Not sure what this means - please clarify
-  Really not sure what this means - please clarify
-  Did you validate this with Shepards, Key Cite, BCite, or the like?
-  This has a good idea but needs to be more precise
-  Nice job framing the issue
-  Needs additional work
-  Help reader understand technical jargon (explicitly or implicitly)
-  This expression is a gem - it really works
-  Too many prepositions
-  This research looks out of date
-  Hard to excavate the meaning here
-  Unclear where this is going
-  Nice roadmap
-  The key to a great paragraph is the first sentence - work on the topic sentence
-  Give it to the reader in an appealing package
-  This would be more appropriate in an e-mail memo than a formal memo
-  Perfect research, perfect organization, perfect use of facts, perfect writing, perfect tone, and perfect citations

Here are a few more emoji-comment possibilities that need slightly more context than those above in the main list.

*Sheila Simon has charmed many with her banjo-playing and her lasagna analogy: "Lasagna is a layered food. When we order lasagna we expect that there will be certain ingredients and that they will be layered. But what if you ordered lasagna and got a pile of noodles on the right, cheese on the left, and some spinach on a separate saucer. Or worse yet, what if all the lasagne ingredients were put into a blender! This analogy helps students understand that having all the right ingredients for a memo means pretty little without the structure that the legal reader is expecting." Sheila Simon, *Top Ten Ways to Use Humor in Teaching Legal Writing*, 11 Perspectives 125-126 (Spring 2003). The emoji lexicon currently does not include lasagna, but it does include a burrito, which can make the same point for writing that has essentially good substance but needs work on structure: 🌯*

Mary Beth Beazley also has written, "Suspense is the enemy of good legal writing." Mary Beth Beazley, *A Practical Guide to Appellate Advocacy* 123 (4th ed. 2014). To make the point that a passage is too suspenseful about its actual point, this detective face may be helpful: 🕵️

A major cause of ineffective writing is "the Curse of Knowledge," which is the difficulty of sharing what we already know with those who do not already have that same information. Lisa Cron talked about the Curse in her book *Wired for Story: The Writer's Guide to Using Brain Science to Hook Readers from the Very First Sentence* (2012): "On the one hand, the writer is so familiar with his subject that he glosses over things the reader is utterly clueless about. On the other, it's way too easy for the writer to get caught up in the minutiae of how things 'really work' and lose sight of the story itself. This is something that, for some reason, lawyers seem particularly prone to." Accordingly, legal writing professors might want to use some type of emoji to signify that the Curse of Knowledge is at work, perhaps one of the following:

 Reader cannot see what's in your head

 This passage seems cursed with your knowledge (but perhaps  is , i.e. too dramatic)

Another good possibility for an emoji comment is the avocado. This idea came about from a Twitter conversation with professors Joyce Rosenberg and Amanda Bower. "Cases are avocados!" @Miz_Rosenberg tweeted on 9/27/15 at 8:51 p.m., available at https://twitter.com/miz_rosenberg/status/648298974017773568. She was retweeting @heyprofbow's tweet of college student @_rhymericerous's screen shot at 9/27/15 7:57 p.m. of an email from her unnamed professor, available at https://twitter.com/_rhymericerous/status/648285294706429952. The unnamed professor shared advice with students just before an essay was due, including the following quote captured in a screen shot by @_rhymericerous: "If primary sources are your raw ingredients, that means you have to chop them before you can use them. If you want to make guacamole, you first have to peel the avocado and remove the giant pit. Long quotes are avocados. They're mostly peel and pit. You should get rid of all that unnecessary stuff and just use the part that you need, the delicious part."

Efforts will be made to locate and name the source of this fantastic idea. The avocado is being considered for inclusion in the Unicode Consortium's 2016 expansion of emojis. If and when the avocado is approved, it could be quite useful to suggest cutting out unneeded details and leaving only the good part.

Author's note: Thanks to many who have made legal writing fun and memorable with their visual imagery. Inspired by the creative, generous, and fun teachers in the legal writing community, I find myself using imagery in class more and more to try to sum up key ideas and make them "sticky" in students' minds. Emojis could truly be a natural extension of this type of pedagogy. The emoji list here is mostly just for amusement and a moment of levity in the midst of grading papers, but to the extent it encourages anyone to make their writing teaching and commenting more vivid and memorable, that would make me feel 🤖

Thanks also to Kay Murphy and Jenn Mathews for comments on an earlier version.

This emoji glossary was made with the Pages app on an iPad, using emojis available in iOS 9.1 as of November 2015.