



**(1) Clear communication is important.** The landlord here lost out on potential rental income because the couple wouldn't tell him that they didn't want to rent the apartment. Clear communication is especially important in any business negotiation.

**(2) Your past actions can come back to haunt you.** If you take a certain position on an important issue while negotiating a contract and then later try to flip your position, that can turn out badly for you. Don't try to trick someone into contracting with you.

**(3) Remember that your e-life is not private.** Your texts, tweets, Facebook posts, and Snapchats can all be traced back to you and potentially used against you in litigation.

**(4) Reasonable people can interpret things differently from how you intend.** There are a few levels to this:

- Written text doesn't convey the nuance of face-to-face interaction. You might think that adding an emoji or emoticon like “;-)” to a message makes it clear that you were only joking, but others might read it differently.[2]
- Emojis take this concept to another level entirely. In this case, the judge thought the use of a chipmunk was optimistic. But I knew someone in college who was horrified by squirrels and would not interpret that emoji in a positive manner (“It's just something about their grabby little hands,” she said).

**(5) Think hard about whether you want to use any kind of symbol in a business-related communication.**

- It's a sensitive issue, but consider the generational gap between you and your audience. Everyone is different, but it's reasonable to expect that someone under 25 might respond differently to the use of an emoji or emoticon than someone over 50. Is an eggplant emoji innocuous or salacious? Would you send it to your boss?
- Nationality can also play a part in emoji interpretation. Does a panda carry the same connotations in Mexico and China? Does a winky face mean the same thing in both France and Delaware?[3] It may be in your best interest to stick to text in any professional communication.

## **The Most Important Lesson of All: Hire a Professional**

What you say matters. So does the way that you say it. So if you're doing something important, be it buying a house or closing a business deal, you should strongly consider using a professional as your go-between so that you can be sure that you and the other side can actually understand each other



If nothing else, your lawyer can tell you when it's time to use instead of .

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