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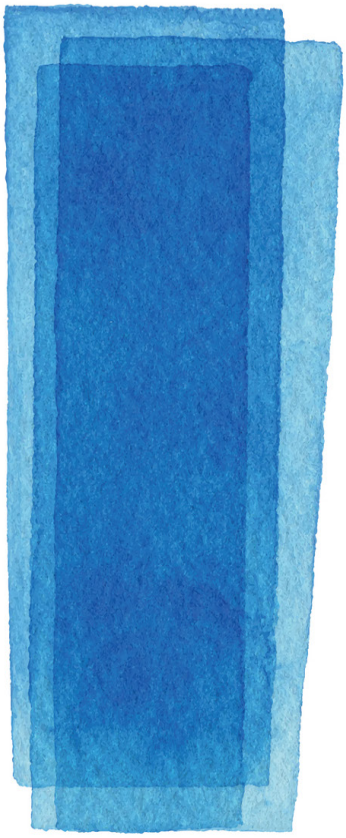

BY DIANA J. SIMON

Exclamation Proliferation and Why It Has To Stop!

Yes, these are more true confessions of a legal writing professor.[1] Buckle up!

When it comes to grammar and punctuation, I am old-fashioned. Call me crazy, but I am fond of periods at the end of sentences, and I don't like beginning sentences with "and" or "but," (although I am gradually getting the hang of it and feel strangely trendy when I do). But long ago, I relented and began overusing exclamation points[2] in emails with friends, colleagues, and my students. At first, I used one in every 20 or 25 emails, then it became every 10 or 15, then one in every email, and now, there is no end in sight. Over time, with each exclamation point (and sometimes two or three in a row), I came to the realization that I am nothing more than a conformist—something I was taught to eschew. As the daughter of an English teacher, who was told these marks should be used rarely, I felt shame. It dawned on me that the exclamation point has now taken the place of a period, and if you do not use one, you are essentially mean! It has got to stop.

The last straw happened a few semesters ago when I gave feedback to my students on their point headings in a trial motion. If I have feedback on a point heading, I comment on what the issue is, and I then give tips for improvement. If I do not have any feedback, my custom over the past 20 odd years has been to say "Fine." Period.

This year, *for the first time in 20 years*, in response to the "fine" I had written beside their headings, I had *three* students ask me, in various ways, "What was wrong with my point heading?" One student said something to the effect of "I see you did not like my point headings. What can I

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do to improve them?" I was confused. Before responding, I went back to the papers to see if I had made a mistake. Did I say this heading is ineffective for some reason? Each time I looked at the papers, though, the word I had used was "fine." The next thing I did was look up the meaning of fine because maybe it had changed when I wasn't looking. Here is what I found: "of superior or best quality; of high or highest grade: *fine wine*. choice, excellent, or admirable: *a fine painting*."[3] My word choice was fine; the problem was the period. A period, roughly translated in my students' eyes, apparently means, "This heading sucks." Or, as one journalist put it, ending a sentence in a period can be misread as, "Why don't you crawl into a cave and die?"[4]

If I had used an exclamation point, I am guessing the students would have understood the word as I intended. But I should not have to do that; instead, we must stop our increasing addiction to exclamation points and realize that periods are not the enemy. Most readers of this article will disagree and think we need these points in our increasingly impersonal world to battle against an email's tone deafness. But just as they have slowly crept into every single communication we have, why can't they slowly creep their way back out?

Let's start with the history of the mark.

Some have said no one really knows the history of the mark, but one theory is that it comes from Latin.[5] The exclamation of joy was *io*, where the *i* was written above the *o*. Because Latin letters were all capitals, an *I* with an *o* below looks like today's exclamation point.[6] Others have said the exclamation point first appeared during the 15th century.[7] Apparently, it wasn't always called an exclamation point. In that century, when printers introduced it as a type element, it became known as an "admiration mark."[8] The move from "admiration" to exclamation took place in the mid-17th century.[9] In journalism, throughout history, it had several nicknames, such as "screamer," "shriek," "shriekmark," "startler," and—brace yourself—a "Dog's cock."[10] We do know that it did not get its own key on a keyboard until 1970.[11] (Who remembers typing a period and then having to go back and stick an apostrophe above it?). Even today, it does not get the same love on a keyboard as the period.

I am not alone in my negative views on the exclamation point. It has been called, appropriately, the "cockroach of the punctuation world."[12] In the 20th century, grammar and style books labeled the mark "undisciplined" and "unprofessional."[13]

> The more I delved into the exclamation point, I learned that it is sexist. Really, sexist—stay with me.

One 2005 grammar guide says the point "indicates extreme pain, fear, astonishment, anger, disgust, or yelling."[14] American novelist Elmore Leonard had this to say about exclamation points: "You are allowed no more than two or three per 100,000 words of prose."[15] Mark Twain and F. Scott Fitzgerald are credited with saying that using an exclamation point "is like laughing at your own joke."[16] Although not quite as famous, a ghostwriter for those struggling on dating apps claims that if you want to find your soulmate, you need to avoid exclamation points because they convey an overly enthusiastic greeting.[17]

Even today, grammarians generally and legal writing experts specifically agree that exclamation points are strongly disfavored. *Grammar Girl* explains that the "exclamation point adds emphasis and indicates a strong emotion—surprise, panic, urgency, etc. Don't overuse it!"[18] Bryan Garner agrees on limiting use of the mark, stating, "Use of that mark is rarely appropriate in legal writing except when quoting a writing that contains one in the original.[19] Gerald Lebovits, a longtime New York city judge and prolific author on legal writing issues, also has advised not to use them in legal writing but to instead intensify your writing with "concrete nouns, and even better vigorous verbs."[20] Indeed, using an exclamation point in a pleading is "telling rather than showing" and is basically the equivalent of barking at a judge—probably not the best idea.[21]

In fact, the more I delved into the exclamation point, I learned that beyond what grammarians believe, it is sexist. Really, sexist—stay with me.

We apparently *expect* exclamation points as a sign of friendliness from women, and women add exclamation points both to live up to this expectation and to emulate other women.[22] Scientists who have studied the use of exclamation points and gender have concluded in more than one study that women use them more than men.[23] For example, in one study using electronic discussion lists to track the use of the mark in messages, 73 percent of all exclamations were by females and only 27 percent were made by males.[24] The study also found that thanking using an exclamation point, whether to be "friendly" or "effusive," was also a predominantly female behavior.[25] This is the case even though use of the mark can be judged as unprofessional.[26] Using them can be a form of "emotional labor" for women.[27]

Furthermore, in some cultures,[28] use of exclamation points in communication can possibly lead to making poor judgments.[29] In a study looking at the impact of exclamation points on the process of judging a situation, the finding was that looking at exclamation points led people to arrive at more extreme justice judgments. Basically, the authors showed some participants blank screens and other participants screens with

only an exclamation point for a minute and then asked participants to evaluate the injustice of a situation described on subsequent screens.[30]

In one experiment, a person was being interviewed for a job and was given different assessments to perform but then *later* discovers that all parts of the assessment were graded.[31] The participants in the study were then asked to rank how unjust the situation was. When the exclamation point was shown on the introductory screen before reading about the interview scenario, participants responded more quickly to the questions about the situation than did the participants responding to the same questions who were first shown the blank screen.[32] From this, the researchers hypothesized that use of these marks can stimulate increased alertness causing a more rapid response, leading to a shortened response time to construct their judgments.[33] The authors made clear the cultural limits of the study done in Europe, because there, the exclamation point is usually a "warning sign."[34]

As always, there is another side to the story. Many support the mark for good reasons. In digital communication, emotions are difficult to convey.[35] In fact, research suggests that accurately conveying the intensity of positive emotion in email is difficult, and receivers perceive email as more acutely negative than senders intend.[36] Emails intended to convey positive emotion are perceived as neutral, and emails intended to be positive, neutral, or negative can be interpreted negatively.[37] So, when it comes to digital communication, we all assume the worst, and a few exclamation points can help lighten the tone.

Supporters will ask what is the harm if we use the mark? Well, it's a slippery slope.

Even some legal writers when writing business emails agree. One legal writing coach whose job is to read and comment on associates' work at a large law firm makes the point that exclamation points these days have changed in meaning.[38] They just say, "I hear you," or "I'm not angry," or "We are in this together."[39] She concludes that not only are they fine, they "play an important role in our correspondence."[40] Finally, with a workforce that has been working remotely due to COVID-19 and will continue to do so, connections are more challenging, and an exclamation point can go a long way toward making the email recipient's day just a little better.[41]

These supporters will ask what is the harm if we use the mark? Well, it's a slippery slope. Maybe one exclamation point will be enough today, but next year, we will need three exclamation points to convey the idea that things do not suck. Eventually, we are

going to need to invent a new mark because the exclamation point will not be enough, just as the period is not enough today. And let's not forget the dexterity challenge. For a period, it's a simple downward slide of my right index; inserting an exclamation point means hitting the shift key, an extra glance at your keyboard—precious wasted seconds—and a strenuous stretch of your left pinkie (or worse, a cross-over of the right hand), to the upper-left nether regions of the keyboard. When you are using many, it adds up.

In conclusion, periods are fine. And, by that, I mean they are fine!

endnotes

1. *See* Diana Simon, *True Confessions of a Legal Writing Professor: Semicolons Suck*, Ariz. Att'y (April 2021), at 20. In that article, I suggested doing away with the semicolon. To be clear, I am not suggesting that we abolish the exclamation point—but simply relegate it to its former status, somewhere below the period.
2. In this article, I go back and forth between calling it an exclamation point and an exclamation mark, partly because I am indecisive and partly because it goes by both names depending on what country you are in, although some writers go back and forth between the two references. Megan Garber, *'Screamer,' 'Slammer,' 'Bang' . . .and 15 Other Ways to Say 'Exclamation Point*,' The Atlantic (Apr. 5, 2013) (calling it a point in the title and elsewhere in the article but also calling it exclamation mark), https://bit.ly/3mgwRBH. The *Cambridge Dictionary* says that the "exclamation mark" is a noun in the United Kingdom, and then it says, "US exclamation point."). *Exclamation mark*, Cambridge Dictionary, https://bit.ly/3J50T4Y. Interestingly, in contrast to the *Cambridge Dictionary*, if you search for "exclamation mark" in *Merriam-Webster*'s, you won't find anything. If you search for "exclamation point," you will find this definition: "a mark! used especially after an interjection or exclamation to indicate forceful utterance or strong feeling." *Exclamation point*, Merriam-Webster's Dictionary, https://bit.ly/32m5xek.
3. *Fine*, Dictionary.com, https://bit.ly/3m-jg153.
4. Jeremy Engle, *What's Your Favorite Punctuation Mark?* N.Y. Times (Oct. 2, 2019), https://nyti.ms/3mjqmhA.
5. Rose Eveleth, *The History of the Exclamation Point*, Smithsonian Mag. (Aug. 9, 2012), https://bit.ly/3sfvff9.
6. *Id.*
7. Keith Houston, *The Mysterious Origins of Punctuation*, BBC Culture (Sept. 2, 2015), https://bit.ly/3E95gIL.
8. Garber, *supra* note 2.
9. *Id.*
10. *Id.*; Eveleth, *supra* note 5.
11. Eveleth, *supra* note 5.
12. Garber, *supra* note 2.
13. Julius Lobo, *The Exclamation Mark! A Brief History!* Bookriot (March 4, 2021), https://bit.ly/3GUXNyF.
14. Julie Beck, *Read This Article!!! How Many Exclamation Points Do You Need To Seem Genuinely Enthusiastic?* The Atlantic (June 27, 2018), https://bit.ly/3FdC2tq.
15. Lobo, *supra* note 13.
16. Julie Schrager, *Listening to Punctuation*, Listen Like a Lawyer (Jan. 23, 2017), https://bit.ly/33AVrXn.
17. Engle, *supra* note 4.
18. Mignon Fogarty, Grammar Girl's Quick and Dirty Tips for Better Writing 123 (2008).
19. Bryan A. Garner, The Redbook, A Manual on Legal Style 53 (4th ed. 2018).
20. Gerald Lebovits, *Do's, Don't's, & Maybes:*

endnotes —continued

Legal Writing Punctuation—Part I, N.Y.S. Bar Ass'n (July/August 2007), https://bit.ly/3yGzvFR.

21. George Khoury, *Should You Ever Use an Exclamation Mark in a Pleading?* Blogs-FindLaw.com (Mar. 14, 2019), https://bit.ly/3JcDEpY.
22. Amelia Tait, *Sorry for Bothering You! The Emotional Labour of Female Emails*, New Statesman (July 3, 2017), https://bit.ly/3J1LmTF.
23. Carol Waseleski, *Gender and the Use of Exclamation Points in Computer-Mediated Communication: An Analysis of Exclamations Posted to Two Electronic Discussion Lists*, 11 J. Computer-Mediated Commc'ns. 1012, 1012-14 (Oct. 9, 2006), https://bit.ly/3sh-3FOI.
24. *Id.* at 1020. The author of the study, however, noted one limitation was the fact that the participants in the study averaged 62 percent female and 38 percent male. But even with this composition, the findings were consistent with prior studies that females use the mark significantly more than males.
25. *Id.* at 1020-21.
26. Tait, *supra* note 22.
27. *Id.*
28. *See* Amy Langenfeld & Alyssa Dragnich, *Thumbs Up: Emoji Use for Lawyers*, Ariz. Att'y (April 2021), at 14, 16 (cautioning that emojis are not a universal language, and there can be potential cross-cultural misunderstandings).
29. Kees van den Bos et al., *Justice and the Human Alarm System: The Impact of Exclamation Points and Flashing Lights on the Justice Judgment Process*, 44 J. Exper. Soc. Psych. 206-07, (Jan. 22, 2007), https://bit.ly/3EbaVy2.
30. *Id.* at 205.
31. *Id.*
32. *Id.* at 206.
33. *Id.* at 207.
34. *Id.* at 204.
35. *E.g.*, Kristin Byron, *Carrying Too Heavy a Load? The Communication and Miscommunication of Emotion by Email*, 33 Acad. Mgmt. Rev. 309 (2008); Monica A. Riordan & Lauren A. Trichtinger, *Overconfidence at the Keyboard: Confidence and Accuracy in Interpreting Affect in E-mail Exchanges*, 43 Hum. Commun'n Rsch. 1 (2017), https://bit.ly/3yMuZFN.
36. Byron, *supra* note 35, at 314.
37. *Id.*
38. Schrager, *supra* note 16.
39. *Id.*
40. *Id.*
41. *See* Langenfeld & Dragnich, *supra* note 28, at 16 (stating that a friendly emoji here and there can go a long way in making a connection with a fellow coworker working from home).