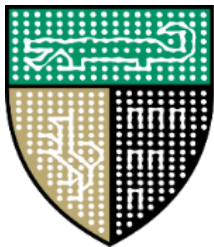


[Ispnews] ISP Newsletter: Feb. 9 – Feb. 15, 2026

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Information Society Project Yale Law School

Events This Week



Yale Information Society Project
Law & Technology Speaker Series
**ZERO-CLICK, ZERO CLARITY: INTERNATIONAL LAW
IN THE SHADOWLANDS OF CYBER ESPIONAGE**
Asaf Lubin
Associate Professor of Law
Indiana University Maurer School of Law
February 10, 2026 | SLB 128 | 12:10PM ET Tuesday
YJoLT Cosponsored by Yale Journal of Law & Technology <https://law.yale.edu/isp>

Tuesday, February 10, 2026 - 12:10PM-1:30PM - SLB 128

Zero-Click, Zero Clarity: International Law in the Shadowlands of Cyber Espionage

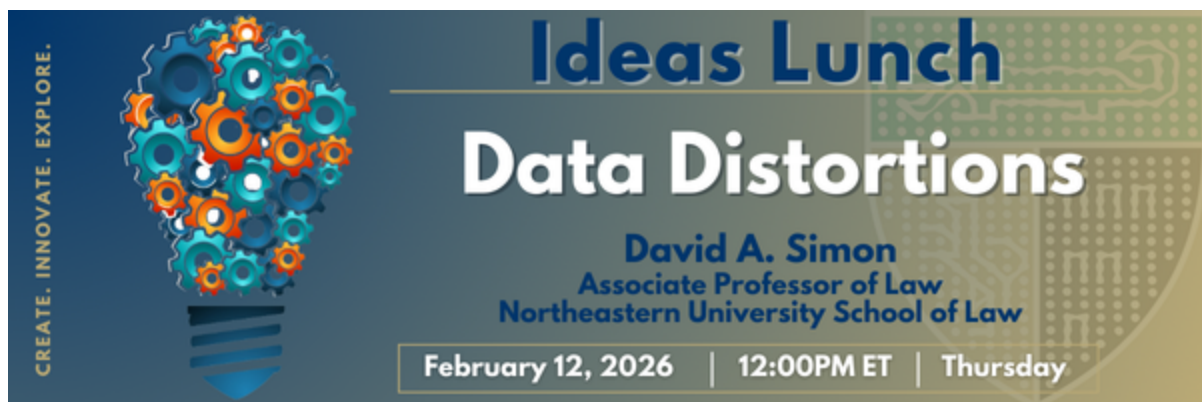
Asaf Lubin

**Associate Professor of Law at the Maurer School of Law and Affiliated Faculty at the
Hamilton Lugar School of Global and International Studies, Indiana University
Bloomington**

Peacetime espionage is the international lawyer's recurring paradox: publicly condemned, privately practiced, and quietly tolerated. This hypocrisy is particularly pronounced in the cyber era, where digital operations scale intrusion and potential harm so dramatically that the old pretense of legal ambiguity and silence is increasingly difficult to sustain. To escape this wilderness of mirrors, diplomats have turned, once more, to a worn vocabulary of "sovereignty in cyberspace" and "privacy in data flows" that offers little by way of operational guidance. It is grand enough to signal constraint, and elastic enough to ensure no one will agree on where that constraint might begin, much less what it forbids. Drawing on Professor Asaf Lubin's forthcoming book, *The International Law of Intelligence: The World of Spycraft and the Law of Nations*, this talk traces a different and perhaps more uncomfortable path: a specialized regime of intelligence law that takes seriously the professional standards, historical underpinnings, and institutional realities that structure this customary practice. The result is a legal regime attuned to espionage's performative character and to the uneasy relationship between collector and target—where protest becomes ritual, deniability a default, and legality must be resilient enough to remain relevant under secrecy rather than collapse into it.

[Dr. Asaf Lubin](#) is an Associate Professor at Indiana University Maurer School of Law and an Affiliated Faculty at the Hamilton Lugar School of Global and International Studies. He is additionally a Faculty Associate at the Berkman Klein Center for Internet and Society at Harvard University and an Affiliated Fellow at Yale Law School's Information Society Project.

This event is cosponsored by the [Yale Journal of Law & Technology \(YJoLT\)](#).



Thursday, February 12, 2026 - 12:00PM-1:30PM - Baker Hall 405

Data Distortions

David A. Simon

Associate Professor of Law, Northeastern University School of Law
Co-Director, Amy J. Reed Collaborative for Medical Device Safety

Law generates data. And across a wide range of topics, scholars have explored how. Recently, scholars have noted that, despite its data-production function, law often pays insufficient attention to choices about the information it produces, creating accidental spillovers. This Article adds to these accounts by arguing that, even when law intentionally produces data, how data are presented can have significant unintended, distortionary effects. For example, employers are required to submit data to regulators on workplace safety but may characterize incidents in ways that avoid scrutiny. Financial firms may also use complex and dense language when reporting poor earnings, making it more difficult for investors to understand the firm's performance. In other words, even where law expressly requires the production of information, those that produce it can distort what they report. The result: data presentation can undermine the goals of data production.

This Article explains these distortions in data presentation—what it calls data distortions—using the novel example of medical device adverse event reporting. It shows that manufacturers have economic incentives to distort mandatory adverse event reports in ways that make it more costly for regulators to detect safety concerns. While some firms may distort data to avoid regulatory detection, others may lack incentives to correct distortions that arise innocuously. However they arise, data distortions can undermine the purpose of producing the information in the first place. In the case of medical devices, distortions make safety signals difficult to detect, delaying or eliminating regulatory actions to protect patients. If regulators cannot detect safety problems at all or in a timely manner, the data collected cannot serve their legal purpose: to act as an early warning system for unsafe devices. To reduce data distortion and patient harm, this Article proposes legal, regulatory, and technological reforms. It concludes by highlighting the importance of addressing data distortions across other information-production regimes—such as workplace injuries, medical reimbursement, environmental pollution, and financial disclosures—to enhance accountability and better align data production with its intended goals.

[David A. Simon](#), J.D., LL.M., Ph.D., is an Associate Professor of Law at Northeastern University School of Law, where he teaches courses on tort law, administrative law, and drug and device regulation. Professor Simon's research focuses on innovation in healthcare, with an emphasis on drugs and devices. His work has appeared or will appear in a variety of publications, including the *Texas Law Review*, the *Boston College Law Review*, the *Emory Law Journal*, the *Georgia Law Review*, the *Oxford Journal of Legal Studies*, the *Yale Journal of Law & the Humanities*, the *Journal of Law & the Biosciences*, *JAMA*, *Nature Biotechnology* and the *Journal of Law, Medicine, & Ethics*. Professor Simon is the Principal Investigator on *The Project on Medical Device Safety* and co-director of the Amy J. Reed Collaborative for Medical Device Safety, funded by Arnold Ventures. He is also a member of the UIUC CLASSICA research team, a project funded by the European Union. He has previously served on the faculties of Harvard Law School, George Washington University Law School, and the University of Kansas School of Law. During his time at Harvard Law School, he led a three-year project at the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics dubbed Diagnosing in the Home: The Ethical, Legal, and Regulatory Challenges and Opportunities of Digital Home Health, and funded by the Gordon and Betty Moore Foundation. Professor Simon is also a founder of two nonprofits—

Harmed Americans for Reform in Medical-Device Safety and Project TCF20—and a practicing member of the Illinois and Massachusetts Bars.

For ISP fellows interested in joining the Ideas Lunch via Zoom, please email benjamin.gervin@yale.edu.

What We're Writing

Madhavi Singh

- [Google-Apple Gemini Deal Underscores Tech's Antitrust Catch-22](#)

If you are a current Affiliated Fellow with the ISP and have an article, blog post, or op-ed you would like to promote, please send it to [Benjamin Gervin](#) for inclusion in our next newsletter and to share on social media!

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The Information Society Project at Yale Law School is an intellectual center addressing the implications of the Internet and new information technologies for law and society, guided by the values of democracy, development, and civil liberties. For more information, visit <https://www.isp.yale.edu>.

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