

IN THE MATTER OF SALARY ARBITRATION BETWEEN:

CODY FRANSON

-AND-

THE TORONTO MAPLE LEAFS

BRIEF OF THE TORONTO MAPLE LEAFS

TEAM 12

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I. INTRODUCTION AND OVERVIEW

Pursuant to section 12.9 of the NHL Collective Bargaining Agreement¹, this brief will analyze the performance of Cody Franson (“Mr. Franson”) of the Toronto Maple Leafs. As this analysis will show, Mr. Franson is a defensive liability, contributes significantly to the failure of the Toronto Maple Leafs, and struggles offensively at even strength. Due to these concerns, it is the Toronto Maple Leafs’ position that Mr. Franson is entitled to an award below the \$3.3 million midpoint figure and that \$3.15 million per season would be an appropriate award.

Mr. Franson is a 27-year-old defenseman entering his final RFA season. Mr. Franson was drafted in 3rd round of the 2005 NHL Entry Draft. Throughout his 5-year NHL Career, Mr. Franson has played 322 NHL games, scoring 28 goals and 105 assists, for a total of 133 points. During the 2013-14 season, Mr. Franson appeared in 79 games, scoring 5 goals and 28 assists for 33 points.²

A. Defensive Liability

Mr. Franson’s 2013-14 season was a disaster defensively. He recorded a plus minus rating of -20, which was the lowest on the Maple Leafs. Mr. Franson established a career high in giveaways, at 68. This was good for 14th most amongst NHL defenseman. Additionally, Mr. Franson only managed to block 111 shots, 77th amongst NHL defenseman,³ while playing for the team that allowed the most shots in the NHL.⁴

¹ <http://www.nhlpa.com/inside-nhlpa/collective-bargaining-agreement>

² <http://www.nhl.com/ice/player.htm?id=8471742>

³ <http://www.nhl.com/ice/playerstats.htm?season=20132014&gameType=2&team=&position=D&country=&status=&viewName=rtssPlayerStats>

⁴ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20142ALLSAAALL&sort=avgShotsAgainstPerGame&viewName=summary>

Another way to evaluate a defenseman's performance is to evaluate the team's defensive performance as a whole. In Mr. Franson's case, his average TOI of 20:42 in 79 games was a significant contributing factor to the overall performance of the team's defensive unit. In 2013-14, the Toronto Maple Leafs allowed 3.07 goals per game, 26th in the NHL.⁵ Additionally, the Maple Leafs ended the season with a team plus minus rating of -22.⁶ These poor numbers cannot be blamed on the team's goaltending, as the team's save percentage was tied for 9th in the NHL.⁷ Throughout the 2013-14 season, the Maple Leafs were second to last in shot differential, ahead of only last place Buffalo.⁸ This difference is indicative of a poor performance in keeping possession of the puck. These numbers explain Mr. Franson's number of hits and blocked shots. Furthermore, 30 of the Maple Leafs' 38 wins came while being outshot⁹, indicating the games that the Maple Leafs did win resulted from strong goaltending and a significant amount of luck, despite their poor defense.

B. Contribution to the Toronto Maple Leafs' Failure

Mr. Franson has played three full seasons with the Toronto Maple Leafs. Over that time Mr. Franson has played a significant role in the Toronto Maple Leaf's defensive unit. This is particularly true in the 2013-14 season, when Mr. Franson averaged 20:42 minutes in 79 games.¹⁰ During his three seasons, the team has only reached the playoffs once, during the lockout shortened 2012-13 season. The team compiled a 26-17-5 record despite being outshot by an average of 4

⁵ *Ibid.*

⁶ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20142ALLSAAALL&sort=plusMinus&viewName=plusMinusTeam>

⁷ http://espn.go.com/nhl/statistics/team/_/stat/scoring/sort/savePct

⁸ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20142ALLSAAALL&sort=winPctOutshootOpponent&viewName=outshootingOutshotby>

⁹ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20142ALLSAAALL&sort=winsOutshotByOpponent&viewName=outshootingOutshotby>

¹⁰ *Supra* note 2.

shots a game. 21 of the Maple Leafs' 26 wins came while being outshot.¹¹ These wins can be attributed to the Maple Leafs' outstanding goaltending, evidenced by a team .917 save percentage, and a great deal of luck.¹² The Maple Leafs' disappointing 35-37-10 record in 2013-14 while having a similar shot differential, shows that a poor shot differential cannot result in sustained success.

Over the last 3 seasons, Mr. Franson's ice time has increased significantly. In 2011-12, Mr. Franson averaged 16:11 over 57 games. In 2012-13 he averaged 18:47 over 45 games, and in 2013-14 Mr. Franson averaged 20:42.¹³ Over these three years, the Maple Leafs shots allowed per game has increased from 30.8 in 2011-12 to 32.3 in 2012-13 to 35.9 in 2013-14.¹⁴ Similarly Mr. Franson's use on the penalty kill has increased. Unfortunately, the results have been poor. In 2012-13, Mr. Franson was not relied upon regularly on the penalty kill, averaging only 0:54 per game.¹⁵ That season, the Maple Leaf's penalty kill ranked second best in the NHL. The next season, Mr. Franson shifted into a more prominent role on the penalty kill, averaging 1:38 per game. The Maple Leaf's penalty kill suffered, dropping from an 87.9% success rate in 2012-13 to 78.4%, 28th in the NHL.¹⁶

C. Lack of Offensive Production While Playing at Even Strength

The Toronto Maple Leafs acknowledge that Mr. Franson has been successful on the power-play over his career. In 2013-14, his 18 power-play points ranked 1st and tied for 15th amongst

¹¹<http://www.nhl.com/ice/teamstats.htm?season=20122013&gameType=2&viewName=outshootingOutshotby>

¹² http://espn.go.com/nhl/statistics/team/_/stat/scoring/sort/savePct/year/2013

¹³ *Supra* note 2.

¹⁴ *Supra* note 4.

¹⁵ <http://www.nhl.com/ice/player.htm?id=8471742&view=splits>

¹⁶<http://www.nhl.com/ice/teamstats.htm?season=20132014&gameType=2&viewName=penaltyKill>

Maple Leaf and NHL defenseman respectively.¹⁷ While these are respectable numbers, they are far from elite, as 30 defenders were able to score at least 15 points on the power-play last season. Furthermore, his 18 power-play points were 13 points lower than the power-play point leaders amongst NHL defenseman, Erik Karlsson and Keith Yandle. Additionally, while Mr. Franson has been successful on the power-play, he has not experienced the same amount of success while playing at even strength. In 2013-14, Mr. Franson only managed to record 15 even strength points, tied for 85th amongst NHL defenseman¹⁸, and the same number as Karl Alzner, who with 62 points in 345 career games is known for his stay-at-home defensive style and lack of offensive production.¹⁹

II. VALID COMPARABLE PLAYERS

A. Jason Demers

Before the 2014-15 season, Jason Demers signed a two-year contract worth \$6.8 million. Mr. Demers will be paid \$3.15 million in the first year of the deal and \$3.65 million in the second year. The average annual value is 3.4 million. The deal will cover one RFA season and one UFA season.²⁰ During their platform years, both Mr. Demers and Mr. Franson played in 79 games. Mr. Demers scored 5 goals and 29 assists, resulting in a total of 34 points.²¹ Mr. Franson scored 5 goals and 28 assists, resulting in 33 points. These totals were despite Mr. Franson averaging 2:54 on the power-play, almost a full minute more than Mr. Demers, who averaged 1:55 per game.²²

¹⁷<http://www.nhl.com/ice/playerstats.htm?fetchKey=20142ALLDADALL&sort=power-playPoints&viewName=points>

¹⁸<http://www.nhl.com/ice/playerstats.htm?fetchKey=20142ALLDADALL&sort=evenStrengthPoints&viewName=points>

¹⁹ <http://www.nhl.com/ice/player.htm?id=8473991>

²⁰ <http://www.capgeek.com/player/155>

²¹ <http://www.nhl.com/ice/player.htm?id=8474218>

²² *Supra* note 2, 21.

Mr. Demers is a stronger defender than Mr. Franson. This is evidenced by his plus minus rating of +14 during his platform year, as compared to Mr. Franson's -20 rating.²³ This is further demonstrated by the number of goals allowed by each player's team during the 2013-14 season. The San Jose Sharks allowed 2.35 goals per game, 5th fewest in the NHL. On the other hand, the Toronto Maple Leafs allowed 3.07 goals per game, 5th most in the league. Additionally, the Sharks allowed the 6th fewest shots in the NHL, while the Maple Leafs allowed the most.²⁴

Both Mr. Franson and Mr. Demers played a similar number of minutes on their teams penalty kill. Mr. Franson averaged 1:38 per game while Mr. Demers averaged 1:25.²⁵ The higher number of minutes played by Mr. Franson can be attributed to the Toronto Maple Leafs being shorthanded 268 times during the 2013-14 season, as compared to the San Jose Sharks, who were only shorthanded 219 times throughout the season. The player's results on the penalty kill were drastically different. The Sharks had a PK% of 84.9%, which was 6th best in the NHL. The Toronto Maple Leafs however, struggled on the penalty kill. The team's PK% was 78.4%, 3rd lowest in the league.²⁶

Additionally, during his five-year NHL career, Mr. Demers has played a significant role on a San Jose Sharks team that has reached the playoffs all 5 years. Over those five seasons, the Sharks have a combined record of 218-112-46²⁷, consistently amongst the top teams in the NHL. The Sharks have been amongst the top 10 in goals allowed per game during each of those five seasons.²⁸

²³ *Supra* note 15; <http://www.nhl.com/ice/player.htm?id=8474218&view=splits>

²⁴ *Supra* note 4.

²⁵ *Supra* note 23.

²⁶ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20142ALLSAAALL&sort=penaltyKillPercentage&viewName=penaltyKill>

²⁷ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20142ALLSAAALL&sort=wins&viewName=summary>

²⁸ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20142ALLSAAALL&sort=avgGoalsAgainstPerGame&viewName=summary>

During his platform season, Mr. Demers was much more effective offensively than Mr. Franson. Mr. Demers averaged 1.3 points per 60 minutes of ice time, while Mr. Franson only average 0.7 points per 60 minutes of ice time.²⁹ Furthermore, Mr. Demers was significantly more productive at even strength than Mr. Franson, scoring 24 even strength points which tied him for 24th amongst NHL defenseman.³⁰

The Toronto Maple Leafs note the similarity between Mr. Franson and Mr. Demers during their platform seasons. The Maple Leafs' acknowledge Mr. Franson's success on the power-play, but take the position that Mr. Demers is a superior defensive hockey player, stronger offensively at even strength, and has been a major contributor to his team's recent success. As such, the Maple Leafs submit that Mr. Franson is entitled to an award of \$3.15 million, the same salary that Mr. Demers will be paid in 2014-15.

B. Jeff Petry

Jeff Petry signed a one-year deal worth \$3.075 million with the Edmonton Oilers before the 2014-15 season. Like Mr. Franson, Mr. Petry is a big, physical defenseman who plays for a poor defensive team and is entering his final RFA season.³¹ Mr. Petry is also a prolific hitter, recording 467 hits over his 236 game NHL career. This is similar to Mr. Franson's total of 644 hits over his 322 game NHL career³². Both players struggled defensively in 2013-14, with Mr. Petry recording a plus minus rating of -22³³ and Mr. Franson compiling a -20 rating. It should be considered however that in 2013-14, the Edmonton Oilers compiled a team plus minus of -64,

²⁹<http://www.hockey-reference.com/players/f/fransco01-additional.html>; <http://www.hockey-reference.com/players/d/demerja01-additional.html>

³⁰<http://www.nhl.com/ice/playerstats.htm?fetchKey=20142ALLDADALL&sort=evenStrengthPoints&viewName=points>

³¹ <http://www.capgeek.com/player/1659>

³² *Supra* note 15.

³³ <http://www.nhl.com/ice/player.htm?id=8473507&view=splits>

while the Toronto Maple Leafs were -22.³⁴ Mr. Franson's abysmal defensive play contributed significantly to the Toronto Maple Leafs defensive woes.

Mr. Petry averaged 21:35 in his platform season, nearly a full minute more than Mr. Franson's 20:42. Mr. Petry's career average of 21:31 is significantly higher than Mr. Franson's career 17:01 mark. Mr. Petry has averaged 0.25 points per game throughout his 4 year NHL career while Mr. Franson has averaged 0.41 points per game.³⁵ This can be explained through Mr. Franson's significant amount of power-play ice time. Mr. Franson has averaged 2:13 per game on the power-play over his career, and tallied 50 power-play points.³⁶ Mr. Petry however has only been given an average of 1:07 per game on the power-play over his career, scoring 11 power-play points.³⁷

Mr. Petry provides significant value to the Edmonton Oilers by playing a large number of shorthanded minutes. Throughout his career, Mr. Petry has averaged 2:40 per game on the penalty kill.³⁸ Mr. Franson has only averaged 0:35 per game on the penalty kill. In 2013-14 Mr. Petry averaged 3:03 on the penalty kill per game. Mr Franson averaged 1:38 per game on the Maple Leaf's penalty kill.³⁹ While Edmonton finished 2013-14 with an 82.1 success rate on the penalty kill, good for 14th in the league, the Toronto Maple Leafs struggled, only managing to kill 78.4 percent of shorthanded situations, 27th in the NHL.⁴⁰ Mr. Petry has blocked 393 shots over his career, more than Mr. Franson's 328, while playing 94 fewer career games.⁴¹

³⁴<http://www.nhl.com/ice/teamstats.htm?season=20132014&gameType=2&viewName=plusMinusTeam>

³⁵ <http://www.nhl.com/ice/player.htm?id=8473507>

³⁶ <http://www.hockey-reference.com/players/f/fransco01.html>

³⁷ <http://www.hockey-reference.com/players/p/petryje01.html>

³⁸ *Supra* note 33.

³⁹ *Supra* note 15.

⁴⁰ *Supra* note 16.

⁴¹ *Supra* note 15, 33.

The Toronto Maple Leafs submit that the similarities between Mr. Franson and Mr. Petry should be recognized. Both players are prolific hitters and played poorly defensively during even strength ice time during their platform years. The Maple Leafs recognize that both players play significant special team minutes. Mr. Franson plays a large amount of time on the power-play, while Mr. Petry plays a high number of minutes on the penalty kill. The Maple Leafs acknowledge that Mr. Franson has a higher career points total than Mr. Petry, however, state that as a defenseman, Mr. Franson's role on the team is not solely to score points. Mr. Franson is tasked with defending his own zone. Mr. Franson is more offensively prolific than Mr. Petry, and should be rewarded. However, the Maple Leafs submit that Mr. Franson's offensive numbers should be considered alongside Mr. Franson's lack of defensive value. As such, it is the Maple Leafs position that Mr. Franson is entitled to an award slightly more than Mr. Petry's salary, and that Mr. Franson's contract should be set at \$3.15 million for the 2013-14 season.

III. CONCLUSION

The Toronto Maple Leafs acknowledge that Mr. Franson is a valuable defenseman while playing the power-play. However, Mr. Franson does not produce offensively while playing at even strength, has contributed significantly to the poor play of the Toronto Maple Leafs, and is a defensive liability while he is on the ice. Comparing Mr. Franson to players of similar age and pedigree, it is the Toronto Maple Leafs' position that Mr. Franson is entitled to an award below \$3.3 million and that \$3.15 would be a fair salary.