

IN THE MATTER OF SALARY ARBITRATION BETWEEN:

CODY FRANSON

-AND-

THE TORONTO MAPLE LEAFS

SUBMISSION ON BEHALF OF CODY FRANSON

TEAM 21

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I. INTRODUCTION AND OVERVIEW

This brief will examine the performance record of the Toronto Maple Leafs' Cody Franson in conformity with section 12.9 of the NHL Collective Bargaining Agreement.¹ Mr. Franson has been a notable contributor to the Leafs due to his offensive competency, physical presence and his ability to perform under pressure. Consequently, Mr. Franson respectfully submits that he is entitled to an award above the \$3.3 million midpoint figure –specifically, \$3.7 million per season.

A. Offensive Specialist and Powerplay Mainstay

Mr. Franson has established himself as a significant offensive contributor. He was the top point-scoring defenseman on the Leafs this past season, with 33 points – two points higher than teammates Jake Gardiner and Dion Phaneuf.² Overall, he ranked as the 42nd point-scoring defenseman in the NHL, within four points of elite defensemen Jay Bouwmeester and Drew Doughty.³ More specifically, Mr. Franson's offensive contributions have been an integral component of the Leafs' powerplay success. In the 2010-2011 season, the Leafs powerplay was 22nd in the league; in the 2013-2014 season with Mr. Franson's contribution, the team's powerplay was ranked 6th.⁴ Simultaneously, Mr. Franson played a progressively key role as his average powerplay time per game on ice continuously increased since joining the Leafs (1:31 in 2011-2012, 2:49 in 2012-2013, 2:54 in 2013-2014).⁵ His latest average powerplay time on ice ("TOI") of 2:54 minutes accounts for more than half of the Leafs average powerplay time per game, which is 5:22 minutes per game.⁶ This season, the Leafs tallied 153 goals in even-strength

¹ NHL Collective Bargaining Agreement, 2012, s.12.

² <http://www.nhl.com/ice/playerstats>

³ *Ibid*

⁴ <http://www.nhl.com/ice/teamstats>

⁵ <http://www.nhl.com/ice/playerstats>

⁶ <http://www.nhl.com/ice/playerstats>; <http://www.nhl.com/ice/teamstats>

play and 46 goals in 5-on-4 play – attesting to the importance of the powerplay as a part of the Leafs’ offensive production.⁷ Mr. Franson’s role in powerplay production was significant, with the 18 powerplay points he tallied this season placing him as the top Leafs defenseman in that category. Furthermore, he is tied as the second overall powerplay points contributor on the Leafs, only behind forward Phil Kessel.⁸

Given Mr. Franson’s offensive and powerplay capacities, his plus-minus rating of -20 is severely misleading with respect to his performance. On average, Mr. Franson spends 2:54 minutes per game on the powerplay and 20:41 on the ice altogether (almost 1/7 of his ice time). Mr. Franson’s significant presence on the powerplay and his 18 powerplay points are not accounted for by his plus-minus rating.⁹ In short, the plus-minus statistic is an inaccurate reflection of performance in defenseman with prominent powerplay roles. For example, consider elite defenseman and Norris-trophy winner Erik Karlsson’s plus-minus rating of -15 this past season.¹⁰ In addition to powerplay considerations, overall team performance also skews the relevance of the plus-minus statistic. Given that the Leafs finished 23rd in the league this season with 222 goals for and 252 goals against, a negative plus-minus rating could be reasonably anticipated. Conversely, in the 2012-2013 season when the Leafs finished in playoff position with 145 goals for and 128 goals against, Mr. Franson had an overall plus-minus rating of +4.¹¹ In short, Mr. Franson brings value to the Toronto Maple Leafs through his immense offensive and powerplay contributions – and irrespective of his irrelevant plus-minus rating.

⁷ <http://www.nhl.com/ice/playerstats>; <http://www.nhl.com/ice/teamstats>

⁸ *Ibid*

⁹ *Ibid*

¹⁰ <http://www.nhl.com/ice/playerstats>

¹¹ <http://www.nhl.com/ice/playerstats>; <http://www.nhl.com/ice/teamstats>

B. Multi-Dimensional Player

In addition to his offensive spark and impactful role on the Leafs' top powerplay unit, Mr. Franson brings a strong and reliable physical edge to the team. Since joining the Leafs in the 2011-2012 season, Mr. Franson's average TOI per game has increased steadily from 16:11 to this season's 20:41.¹² Coupled with the fact that he gets the third most minutes as a defenseman on average per game next to Jake Gardiner and Dion Phaneuf, this reflects the confidence of the Leafs coaching staff in Mr. Franson's ability to play top tier minutes. Moreover, Mr. Franson's 282 hits in his platform year places him first on the Leafs and second of all defenseman in the NHL.¹³ His 111 blocked shots are a further testament to his physicality and willingness to engage defensively. Despite such physical play, over the past 82-game season, Mr. Franson has only missed three non-consecutive games (in which the Leafs lost all three contests and failed to capitalize on eleven powerplay opportunities).¹⁴ In sum, Mr. Franson's proven offensive contribution is complemented by his ability to play large-scale minutes and his defensive engagement at the physical level.

C. Pressure Performer

Mr. Franson excels when it counts most for the Leafs. For example, his aforementioned powerplay performance this season exemplifies his ability to succeed against stiff competition: he tallied 12 of his 18 powerplay points against high-calibre opponents who would make the playoffs.¹⁵ Moreover, his playoff performance in the 2012-2013 series versus Boston was exceptional. In the seven-game series, Mr. Franson recorded six-points (tied for 2nd in points on

¹² <http://www.nhl.com/ice/playerstats>

¹³ *Ibid*

¹⁴ <http://www.nhl.com/ice/playerstats>; <http://www.nhl.com/ice/teamstats>

¹⁵ <http://www.nhl.com/ice/playerstats>; <http://www.nhl.com/ice/standings>

the Leafs' roster).¹⁶ Further, in a tight series comprised of four one-goal games, Mr. Franson tallied three powerplay points and scored three goals on fifteen shots (yielding a shooting percentage of 20%).¹⁷ Compared to his 2012-2013 regular season average TOI of 18:47, Mr. Franson took on increased minutes in this series (22:49 average TOI in the 2012-2013 playoffs). Prior to the series, Mr. Franson's performance was immense in helping the Leafs attain a playoff berth. From January through April 2013, Mr. Franson's average TOI per game consistently rose from an initial 12:13 to a season-high 21:41 amidst the crux of playoff pursuit. In addition to his increased time on ice, Mr. Franson registered 10 of his 29 regular season points in April 2013, at a time when the Leafs were battling for a playoff berth.¹⁸ At the conclusion of the 2012-2013 regular season, the Leafs sat in 5th place in the Eastern conference with 57 points; in comparison, the 8th place New York Islanders had 55 points.¹⁹ Given the competitive context of this playoff race, Mr. Franson's April 2013 performance of 10 points in 12 games was even more integral to the Leafs securing a berth – which would ultimately earn Maple Leaf Sports and Entertainment their first NHL playoff-related revenue since 2004.

II. VALID COMPARABLE PLAYERS

A. Dmitry Kulikov – Florida Panthers

A similar offensively-oriented defenseman is Dmitry Kulikov of the Florida Panthers, who signed a three-year deal worth \$4.3 million per year in the summer of 2014.²⁰ In comparing statistics from this past season (the platform year for both players), both defenseman fulfill a similar role on their similarly situated teams. The Leafs and the Panthers finished 6th and 7th in

¹⁶ <http://www.nhl.com/ice/playerstats>

¹⁷ *Ibid*

¹⁸ *Ibid*

¹⁹ <http://www.nhl.com/ice/standings>

²⁰ <http://www.capgeek.com/player/1587>

the Atlantic division in the 2013-2014 season, respectively.²¹ Mr. Kulikov played an average of 21:41 minutes per game in his platform season, while Mr. Franson averaged 20:41 minutes. Similarly, Mr. Kulikov played an average of 2:23 powerplay minutes per game this season, while Mr. Franson played 2:54 minutes – both members of the first powerplay unit.²² In short, both players are similar in their offensive roles on the top powerplay units and their ability to play big minutes overall.

However, Mr. Franson edges out Mr. Kulikov in almost every other aspect – especially in pressing offensive situations. Though both players are members of the first defensive powerplay unit and experience similar powerplay minutes, Mr. Franson has 18 powerplay points while Mr. Kulikov only has 5.²³ As a direct comparison, Mr. Kulikov contributed to 20.8% of the Panthers' 5-on-4 goals while Mr. Franson's contributions were proportionally almost double that – he assisted or scored 39.1% of the Leafs' powerplay goals.²⁴ Mr. Franson provides an added dimension of physical play which Mr. Kulikov's game does not encompass. Specifically, Mr. Franson's 282 hits and 111 shot blocks in his platform year significantly outrank Mr. Kulikov's 125 hits and 92 shot blocks.²⁵ Though Mr. Kulikov has proven that he is able to contribute offensively in general, he has not proven that his contributions are instrumental when it comes to team success. For example, Mr. Kulikov tallied an impressive 28 points in 58 games played in the 2011-2012 regular season. Yet, he all but disappeared in the Panthers' lone playoff series against the New Jersey Devils that same year – registering only one assist in seven games, no powerplay points and no goals on fifteen shots, despite playing an average of 21:16 minutes per

²¹ <http://www.nhl.com/ice/standings>

²² *Ibid*

²³ *Ibid*

²⁴ *Ibid*

²⁵ *Ibid*

game.²⁶ Conversely, in the Leafs' 2012-2013 series versus the Boston Bruins, Mr. Franson excelled as he recorded six points in seven games (including three powerplay points) and scored three goals on fifteen shots.²⁷ Mr. Franson's ability to contribute offensively under pressure clearly surpasses that of Mr. Kulikov.

Both players began their NHL careers in the 2009-2010 season. Despite both defenseman having completed five seasons in the NHL, only Mr. Franson has been able to establish a consistent scope of point production. After steadily increasing his point production for three seasons culminating in a 28-point season in 2011-2012 (in 58 games), Mr. Kulikov's offensive production has since fluctuated erratically.²⁸ In the 2012-2013 regular season, he registered a low of 10 points in 34 games played. Conversely, since joining the NHL Mr. Franson has either tied or bettered his point totals in subsequent seasons (with the exception of the 2011-2012 season where he only played 57 games and tallied 21 points).²⁹ Mr. Franson's performance has exemplified a more stable pattern of offensive contribution. Most notably, Mr. Kulikov's platform season saw him contribute 19 points in 81 games played – compared to Mr. Franson's 33 points in 79 games played.³⁰ In sum, the Panthers and the Leafs each rely on these players to fulfill highly similar roles. Yet, Mr. Franson has outperformed Mr. Kulikov in overall offensive contribution, high-pressure situations and consistency. Given this similarity in roles and discrepancy in performance, Mr. Franson submits that he is entitled to an award more similar to Mr. Kulikov's \$4.3 million annual salary. An award of \$3.7 million per season is an accurate reflection of Mr. Franson's comparative performance, taking into account the four-year age gap between the players.

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ *Ibid*

²⁹ *Ibid*

³⁰ *Ibid*

B. Jake Gardiner – Toronto Maple Leafs

Another comparable to Mr. Franson is his powerplay linemate Jake Gardiner, who signed a \$4.05 million per year contract in the summer of 2014.³¹ Like Mr. Franson, Mr. Gardiner is an offensively-contributing defenseman with a key role on the team's powerplay. In his platform year, Mr. Gardiner registered 31 points total with 11 of those being powerplay points.³² Comparably, Mr. Franson tallied 33 points this season – albeit 18 of which were powerplay points. This may be attributed to Mr. Franson's slightly more pronounced role on the powerplay, given his average powerplay TOI per game of 2:54 compared to Mr. Gardiner's 2:16.³³ Overall, the players saw similar average TOI per game this season, with Mr. Gardiner pegged at 21:04 and Mr. Franson at 20:41.³⁴

In the Leafs' 2012-2013 seven-game playoff appearance, both players performed similarly with Mr. Franson and Mr. Gardiner recording 6 and 5 points, respectively. Both players tallied three powerplay points in the series. In terms of overall minutes, Mr. Gardiner played an average of 23:01 minutes per game in the series as compared to Mr. Franson's almost identical 22:49 minutes.³⁵ Again, Mr. Franson was more heavily relied upon for powerplay situations as he logged an average of 3:26 powerplay minutes per game in comparison to Mr. Gardiner's 1:20 minutes.³⁶ In defensive situations over the playoff series, coach Randy Carlyle deferred to Mr. Franson's veteran presence – according him on average 1:42 minutes of shorthanded play per game; Mr. Gardiner played an average of a negligible 6 seconds per game in shorthanded situations.³⁷ Specifically, Mr. Gardiner only played 12 regular season games for the Leafs

³¹ <http://www.capgeek.com/player/1930>

³² <http://www.nhl.com/ice/playerstats>

³³ *Ibid*

³⁴ *Ibid*

³⁵ *Ibid*

³⁶ *Ibid*

³⁷ *Ibid*

during the 2012-2013 season while he spent the remainder of the season with the Toronto Marlies (the team's American Hockey League affiliate).³⁸ Mr. Gardiner had only played one full season in the NHL. In contrast, the coaching staff relied upon Mr. Franson as a veteran to fulfill a more varied role during their playoff berth.

Taking into account the highly similar roles of both players, Mr. Franson submits that he should be awarded a salary comparable to \$4.05 million per year, that of his powerplay linemate Mr. Gardiner. Given that discrepancies in professional experience may be mitigated by a four-year difference in age, an award of \$3.7 million per season is an accurate and fair compensation for Mr. Franson.

III. CONCLUSION

Mr. Franson has had a tangible impact on the Toronto Maple Leafs' offensive production. He has proven his ability to effectively lead the team's top powerplay unit and to produce offensively when the Leafs needs it most. With respect to other players within a similar salary range and offensive role, Mr. Franson either equals or outperforms his comparators – most of whom nonetheless receive increased remuneration. Thus, Mr. Franson merits an award above the \$3.3 million midpoint figure. An award of \$3.7 million per season is appropriate and just given Mr. Franson's specialized and significant offensive role.

³⁸ *Ibid*