

IN THE MATTER OF A SALARY ARBITRATION

BETWEEN:

CODY FRANSON

-AND-

TORONTO MAPLE LEAFS

BEFORE: NATIONAL ACADEMY OF ARBITRATORS'

BRIEF IN SUPPORT OF A COMPENSATION REQUEST FOR THE CLUB

Team 15, *In-house Counsel*  
TORONTO MAPLE LEAFS  
TORONTO, ONTARIO

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## **I. INTRODUCTION**

This brief will provide admissible evidence pursuant to the terms of the Collective Bargaining Agreement (“CBA”),<sup>1</sup> between the National Hockey League (“NHL”) and the National Hockey League Players Association (“NHLPA”), to assist in quantifying Cody Franson’s (“Mr. Franson” or “the Player”) monetary value to the Toronto Maple Leafs (“the Leafs” or “the Club”) in relation to the NHL for the 2014-2015 NHL season.

To this end, the Player has exercised his option pursuant to article 12.2 of the CBA and can only be compared to forwards with the same arbitration rights. As a result, the Club hereby elects for a one-year arbitration award.<sup>2</sup>

This brief will provide a framework to determine the appropriate value for Mr. Franson’s contributions over his three-year NHL career. In assessing the worth of an offensive defenseman, such as Mr. Franson, the most significant factors are NHL experience, points per game (“Pts/G”) hits, blocked shots and possession totals. In this context, Mr. Franson’s valuation will therefore consider: an overall performance of the player, number of games played, career-to-platform statistics, and his platform season as well as his overall contribution to the Club. Mr. Franson will be objectively compared against two defensemen by specified statistical filters to validate his positioning in the NHL marketplace. The salaries of the comparable defensemen will frame a range in which to assign Mr. Franson’s value. The Leafs respectfully submit that a remuneration of \$3,150,00 is just and equitable for Mr. Franson.

## **II. OVERVIEW ASSESSMENT OF THE PLAYER**

Mr. Franson is a 27 year-old, right-handed defensemen from British Columbia, Canada. He is 6’5” and weighs 213lbs. Mr. Franson was selected 79<sup>th</sup> overall in the 2005 NHL Entry

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<sup>1</sup> *NHL Collective Bargaining Agreement, between the National Hockey League and the National Hockey League Players Association*, September 16, 2012- September 15, 2022, s. 12.1(a)-(c), p 57.

<sup>2</sup> *Ibid*, s.12.9(c), p. 62.

Draft (“Entry Draft”) by the Nashville Predators (“Predators”). In 2011 Franson was traded to the Leafs from the Nashville Predators in a package deal with Matthew Lombardi for Brett Lebda and Robert Slaney.<sup>3</sup> His size and offensive ability are partially what makes him a NHL caliber player. Unfortunately, his offensive ability does not outweigh the defensive liability Mr. Franson can pose for the Toronto Maple Leafs. We recognize that within our defensive core there are different roles for different players, but it is our view that in order to be awarded the salary that Mr. Franson is asking he must first demonstrate his ability to to shut down opposing teams and not just to the Leafs offensive game.

### III. NUMBER OF GAMES PLAYED

While we recognize that Mr. Franson’s number of games played is comparable to many players with the same NHL experience as him, it is his lack of consistent production as an offensive defenseman coupled with his poor possession statics that concerns the team. We are also cognizant of the fact that Mr. Franson has never had a serious injury and his lack of games in 2011-12 was due to being a healthy scratch.<sup>4</sup> Since that season, Mr. Franson has only missed games due to flu or other minor non-repeating injuries. This is a positive for the Club, and is kept in mind when determining his value.

### IV. CAREER-TO-PLATFORM STATISTICS

**Table 1: Cody Franson Career Performance<sup>5</sup>**

Season	Team	GP	G	A	P	Pts/G	TOI	c	PPG
09-10	Predators	61	6	15	21	0.34	14:11	16	1
10-11	Leafs	80	8	21	29	0.36	15:10	30	2
11-12	Leafs	57	5	16	21	0.37	16:11	22	2
12-13	Leafs	45	4	25	29	0.64	18:47	8	3

<sup>3</sup> <http://www.nhl.com/ice/player.htm?id=8471742&view=notes>

<sup>4</sup> <http://theleafsnation.com/2012/9/18/franson>

<sup>5</sup> NHL statistics: <http://www.nhl.com/ice/player.htm?id=8471742&view=splits>

<b>13-14</b>	<b>Leafs</b>	<b>79</b>	<b>5</b>	<b>28</b>	<b>33</b>	<b>0.42</b>	<b>20:41</b>	<b>30</b>	<b>1</b>
NHL TOTALS:		<b>322</b>	<b>28</b>	<b>105</b>	<b>133</b>	<b>.41</b>	==== =	106	9

**\*Indicates Platform Seasons**

While every player's career to platform is important to consider, Mr. Franson's current platform season ought to be weighed heavily by this arbitration as Mr. Franson went through this process but one short year ago. We agree with Mr. Franson that he is worth more to the club after another year service, but we posit that it is not to the degree the player asks for. With this, we would like to put forward his platform season as the strongest indication of his value, as his past seasons were determinate of the contracts awarded at those particular times. During this platform season Mr. Franson played 79 games, and his pts/G decreased significantly from the year before.<sup>6</sup> It is the Club's position that his offensive production during this season should be acknowledged as a general trend of Cody Franson, who is unable to consistently produce offensively in an 82 game season required of an offensive defenseman. As such, in a full season he has yet to break out, and it is the clubs position, that while Mr. Franson has shown that he is incapable of the pts/g that we require of him over an entire season.

To illustrate this point further, after his 2012-13 platform season where Mr. Franson experienced a career year, he was given more ice time, played in more games, but produced less on a pts/g basis.<sup>7</sup> The Club would also like to point out to the committee his split stats in the 2012-13 season. Mr. Franson saw nearly 70% of his production in the first half (42 games) of the season. The Club feels his inability to produce consistent numbers during the year is a hindrance to the success of the team and speaks to the level of his ability. His lack of consistency has been identified by the coaching staff as indicted by a regression in his TOI after January. His TOI

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<sup>6</sup> *Supra* note 3.

<sup>7</sup> *Supra* note 3.

dropped from 21:54 in January to 17:45, 19:53 and 17:04 in the months succeeding.<sup>8</sup> When considering his NHL experience, career-to-platform statistics, and the offensive numbers that his previous contract was founded on, the Club strongly advocates for a pay increase at our requested \$3,150,000.

## **V. DEFENSIVE CONTRIBUTION TO THE CLUB**

The Club acknowledges that Mr. Franson is relied heavily on the special teams as indicated by his high minutes in pk and pp situations. However, it is his team worst -20 in approximately 15 minutes of even strength a game against the easiest competition<sup>9</sup> according the Leafs defense faces which is indicative of his inability to shut down when needed. The Club would like to point out that Mr. Franson was a plus play up until January. The Club recognizes that plus minus is a difficult statistic to define a player with; however, we feel it is but part of the picture that is indicative of the lack of faith we have for Mr. Franson on the blue line.

When coupling his plus minus, with his low quality of competition and his give away numbers, it becomes clear that that coaching staff does not trust his defensive capacity. Lastly, in Mr. Franson's power play minutes, we see the player starting in the offensive zone 94% of the time while ending in the offensive zone only 64% of the time.<sup>10</sup> Indicating offensive pressure is forfeited and puck possession was turned over.

## **V. OVERALL CONTRIBUTION TO THE CLUB**

It is the Club's assertion that as an offensive defenseman Mr. Franson brings value to the team; however, he is consistently played against the easiest competition. While we accept that it makes sense that we want to put our offensive minded defensemen against easier completion, it

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<sup>8</sup> *Supra* note 3.

<sup>9</sup> Behind the net:

[http://www.behindthenet.ca/nhl\\_statistics.php?ds=30&s=13&f1=2012\\_s&f2=5v5&f5=TOR&c=0+1+3+5+4+6+7+8+13+14+29+30+32+33+34+45+46+63+67](http://www.behindthenet.ca/nhl_statistics.php?ds=30&s=13&f1=2012_s&f2=5v5&f5=TOR&c=0+1+3+5+4+6+7+8+13+14+29+30+32+33+34+45+46+63+67)

<sup>10</sup> *Ibid.*

is his give aways, heavy negative statistic, and lack of increasing his production that concerns the team. It is for these reasons that we believe Mr. Franson should be awarded an arbitration of \$3,150,000.

## VI. COMPARABLE PLAYERS

The Player's positioning in the NHL marketplace is the most influential factor when assigning their value to the Club. Thus, the search for and selection of comparable players to determine a players positioning in the NHL marketplace is the most pivotal stage in the salary arbitration process. In order to arrive at the group of players who best compare to the Player in question, an objective statistical criteria must be employed.

Mr. Franson's career-to-platform experience presents a significant barrier to finding comparable players that are relative to his NHL experience and have arbitration rights. As a result Mr. Franson's offensive and defensive contributions will be assessed on an average per game basis. The objective filters that we employed are based on career-to-platform statistics and are as follows: games played, pts/G +/- 10%, Time on on ice +/- 2 minutes.

Table 2: Statistics for Comparable Players <sup>11</sup>

Player	GP	G	A	Pts	Pts/G	QOC	+/-	TOI/G	Hits
<b>Cody Franson</b>	<b>79</b>	<b>5</b>	<b>28</b>	<b>33</b>	<b>0.41</b>	<b>-0.172</b>	<b>-20</b>	<b>20:41</b>	<b>282</b>
<b>NHL Totals:</b>	<b>322</b>	<b>28</b>	<b>105</b>	<b>133</b>	<b>0.32</b>	<b>-----</b>	<b>0.34</b>	<b>13:45</b>	<b>91</b>
<b>Jason Demers</b>	<b>75</b>	<b>5</b>	<b>29</b>	<b>34</b>	<b>.45</b>	<b>0.322</b>	<b>14</b>	<b>19:29</b>	<b>69</b>
<b>NHL Totals:</b>	<b>280</b>	<b>16</b>	<b>80</b>	<b>96</b>	<b>.34</b>	<b>-----</b>	<b>27</b>	<b>11:53</b>	<b>97</b>
<b>Carl Gunnarsson</b>	<b>37</b>	<b>1</b>	<b>14</b>	<b>15</b>	<b>.40</b>	<b>1.422</b>	<b>5</b>	<b>21:16</b>	<b>78</b>
<b>NHL Totals</b>	<b>224</b>	<b>12</b>	<b>57</b>	<b>69</b>	<b>.30</b>	<b>-----</b>	<b>2</b>	<b>-----</b>	<b>285</b>

**QOC: Quality of Competition**

<sup>11</sup> *Supra* note 3; see **Jason Demers** and **Carl Gunnarsson**; for QOC see Toronto Maple Leafs and San Jose Sharks.

**Table 3: Contract Data**<sup>12</sup>

<b>Player</b>	<b>2013-2014 Cap Hit</b>	<b>Date Signed</b>
<b>Jason Demers</b>	<b>\$3,400,000</b>	<b>July 16<sup>th</sup>, 2014</b>
<b>Cody Franson</b>	<b>\$3,150,00</b>	<i>Pending Arbitration</i>
<b>Carl Gunnarsson</b>	<b>\$2,950,000</b>	<b>July 22<sup>nd</sup>, 2013</b>

**A) Mr. Demers compared to Mr. Franson**

Jason Demers (“Mr. Demers”) is a 24-year old right-handed player that plays defense for the San Jose Sharks (“the Sharks”).<sup>13</sup> Mr. Demers is 6’1” and weighs 195lbs. Mr. Demers was arbitration eligible after the 2013 off-season and signed a 2-year contract at a \$3,400,000 average annual value.

Mr. Demers and Mr. Franson are both right-handed shots who play substantial minutes for their respective teams. Mr. Demers is a good comparator based on their platform seasons.

In his platform season Mr. Demers was statistically similar in all offensive categories, scoring only 1 more goal than Mr. Franson and having the same number of assists in 4-less games played. However, the point of divergence, which shows why Mr. Franson cannot earn a salary within \$100,000 of Mr. Demers, is in their consistency during the season. A factor that is very important to the Leafs.

Excluding February and April, which were only 6-games each and are statistical outliers due to the Olympic break, Mr. Demers month-to-month was very consistent in his production accumulating 7, 3, 6, 8, and 5 points a month From October to March (excluding February). Whereas Mr. Franson produced 70% of his points in the first 42 games of the season. The difference between these two players is consistency in offensive output. Further, Mr. Demer’s is

<sup>12</sup> *Supra* note 10; see Carl Gunnarsson and Jason Demers

<sup>13</sup> <http://www.nhl.com/ice/player.htm?id=8474218>



able to put up these consistent numbers against tougher competition with more even strength ice time and a consistent reliance by coaching staff throughout the season.

Mr. Demer's exemplifies the caliber of player and market value above the mid-point range being discussed for Mr. Franson's salary. Mr. Demer's must be distinguished from Mr. Franson, as he is more valuable to his club due to his NHL experience, similar offensive statistics, and defensive reliability. Mr. Demer's defines a line in the marketplace that Mr. Franson cannot surpass at his current development as an NHL player.

**b. Mr. Franson to Mr. Gunnarsson**

During the time of his arbitration in 2013, Carl Gunnarsson ("Mr. Gunnarsson") was a 26-year old left-handed player that played defense for the Toronto Maple Leafs("the Leafs").<sup>14</sup> Mr. Gunnarsson at the time of the contract was 6'2" and weighed 203 lbs. Mr. Gunnarsson signed a 3-year contract that had a \$2,950,000 cap hit.

Cody Franson's offensive output has been similar to that of Mr. Gunnarsson. What should stand out is the quality of competition that Mr. Gunnarsson faced compared to that of Mr. Franson. Albeit, Mr. Gunnarsson's season was shorter than that of Franson, his points were similar against tougher competition. It should also be noted, that Mr. Gunnarsson is given heavier minutes than that of Mr. Franson as well. This is in part to his ability to play high quality even strength minutes.

The Club puts forward that while Mr. Franson does have more experience, he is not trusted with the same type of quality minutes of Mr. Gunnarsson while playing on the same team. The Club recognizes that Mr. Franson's length of time in the league is valuable. It also recognizes that Gunnarsson's platform season is shorter. However, the Club would like to posit that Mr.

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<sup>14</sup> <http://www.nhl.com/ice/player.htm?id=8474218>

Franson's role in the league is quite established and there will not be much room for growth considering his age unlike a player such as Mr. Gunnarsson. Mr. Gunnarsson's contract is a good comparable as he was able to put up similar career statistics as well as having similar statistics in his platform year while playing against tougher competition with more minutes. For this reason we believe that Gunnarssons' contract of \$2,850,000 represents a floor for which Franson's contract cannot fall beneath. The Leafs put forward, that due to his service and similar statistics to Mr. Gunnarsson, Mr. Franson's contract should be valued at \$3,150,000.

## **VII. CONCLUSION**

This brief has assessed Mr. Franson value with respect to: his overall career performance, NHL experience, injury history, his overall contributions to the Club, and identified two comparable players to best frame the current market value. The head-to-head comparisons demonstrate the appropriate selection of comparable players, which frame the current market value for Mr. Franson. Through the analysis, it is evident that Mr. Franson is a quality NHL defenseman, with an offensive skill set. However, Mr. Franson has not demonstrated the defensive ability we require of him and has not been able to put up consistent numbers throughout an 82 game season. In consideration of the totality of Mr. Franson's contributions to the Leafs leading up this arbitration, it is respectfully submitted that his compensation for the 2014-2015 season should be \$3,150,000.