

IN THE MATTER OF SALARY ARBITRATION BETWEEN:

CODY FRANSON

-AND-

THE TORONTO MAPLE LEAFS

BRIEF OF THE REPRESENTATIVES OF THE PLAYER AT HAND

Team # 7

Case # 1

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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 and contributions of Cody Franson of the Toronto Maple Leafs. The following analysis will demonstrate that Mr. Franson's offensive attributes, his physicality, and his effectiveness on the power play make him a valuable offensive defenseman. Through the use of comparable players, it will be shown that Mr. Franson deserves an Award above the suggested \$3.3 million midpoint figure. As Representatives of the Player at Hand, it is being submitted that a salary reflecting an Average Annual Value of \$3.5 million is both a suitable and fair Award.

A. Offensive Threat

Mr. Franson has spent five seasons in the NHL, and has recorded 133 points in 322 career NHL games. He has been a solid offensive contributor; having reached at least 20 points in each of his five seasons. Franson's numbers have constantly been improving both as a member of the Nashville Predators and subsequently once he joined the Maple Leafs for the start of the 2011/2012 season. He followed up a strong rookie campaign that saw him finish with 21 points with an even better sophomore season where he increased his point total to 29². This was the third best result amongst Predators defensemen³, which as a unit, were amongst the league's best that season.⁴ Since joining Toronto, Franson has continued to excel as a productive defenseman, leading the Leaf's blueline in points in each of the last two seasons.⁵ His past season, he set a new career-high in points, with 33, tallying 5 goals and 28 assists in the process. Although this

¹ NHL Collective Bargaining Agreement, 2013, s.12.

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

³ <http://www.nhl.com/ice/playerstats.htm?season=20102011&gameType=2&team=NSH&position=S&country=&status=&viewName=summary>

⁴ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20112ALLSAAALL&sort=avgGoalsAgainstPerGame&viewName=goalsAgainst>

⁵ <http://www.nhl.com/ice/playerstats.htm?season=20122013&gameType=2&team=TOR&position=S&country=&status=&viewName=summary>

was his best result in a full NHL season, it is really his numbers from the shortened 2012/2013 season that draw attention. In 45 games, he recorded an impressive 29 points⁶, which was good enough for fourth on the entire Leafs roster⁷ and eighth among all NHL defenseman.⁸

Franson's offensive production should carry particular weight in his Award assessment because of the value it brings to his team's success. On three separate occasions, Franson has led his respective clubs to the post-season. To date, he has played a total of 23 playoff games - seven with the Maple Leafs and 16 with the Predators. Moreover, it is remarkable that his points per game during the playoffs exceeds his results during regular season play.⁹ The six points recorded in Toronto's series against the Bruins in the 2013 playoffs tied him for second most on the team.¹⁰ His additional six points during the 2011 play off campaign was tied for fourth amongst all Predators at the time.¹¹

Franson also exhibits excellent situational scoring. All his playoff goals have come when his team has been within one goal of the lead.¹² Franson also performs better against stronger opposition. Out of the 33 points he managed last season, the majority (19) came against an opponent who qualified for the playoffs.¹³ These stats demonstrate that not only is Franson among the top producing defenders in terms of quantity, but also with respect to quality.

⁶ Supra note 2.

⁷<http://www.nhl.com/ice/playerstats.htm?season=20122013&gameType=2&team=TOR&position=S&country=&status=&viewName=summary>

⁸<http://www.nhl.com/ice/playerstats.htm?season=20122013&gameType=2&team=&position=D&country=&status=&viewName=points>

⁹ Supra note 2.

¹⁰<http://www.nhl.com/ice/playerstats.htm?season=20122013&gameType=3&team=TOR&position=S&country=&status=&viewName=summary>

¹¹<http://www.nhl.com/ice/playerstats.htm?season=20102011&gameType=3&team=NSH&position=S&country=&status=&viewName=summary>

¹² <http://www.nhl.com/ice/player.htm?id=8471742&view=splits>

¹³ Ibid.

B. Physicality

At 6'5" and 213 pounds, Mr. Franson delivers a tremendous amount of body checks. With 644 hits in 322 games, he has averaged two hits per game over the course of his career.¹⁴ This demonstrates that Franson's contributions extend well beyond the powerplay. Furthermore, since joining the Maple Leafs, his physical presence has only increased. With a career-high 282 hits last season, he finished second in the league for hits. His ability to shut down the opposition through his physical play is also coupled with his willingness to sacrifice his body for the good of his teammates. Along with his career-high in hits, Franson also managed a career high in blocked shots, with 111.¹⁵

Franson's contributions on the defensive end, especially through his physical play, can help explain why his ice time has dramatically increased since joining the Leafs. Last season he was on the ice for almost 21 minutes a game, which was a two minute per game increase from the preceding season. His ice time was good enough for third amongst Leafs' defenseman. The Toronto coaching staff has clearly rewarded his performances by entrusting him with more responsibility. As a result, Mr. Franson also spends more time on the ice in high-pressure defensive situations. In the last three season, Mr. Franson's shorthanded time has risen from 0:03 seconds per game in 2011/2012 to 0:54 seconds in 2012/2013 and a further increase to 1:38 minutes during last year's regular season.¹⁶

C. Effectiveness on the Power Play

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Supra note 12.

Mr. Franson has matured into a power play specialist. His offensive role on the Maple Leafs has been gradually increasing since joining the team. His average ice time on the power play per game has increased from 1:31 minutes in the 2011/2012 season to 2:54 minutes this past year.¹⁷ Franson was the second most relied on Leaf's defenseman on the power play. As a coveted right-handed defenseman, his ability to consistently get shots to the net is a major asset on the power play and lends to the fact that the Leafs' power play was sixth best in the league last season.¹⁸ With 18 power play points, Franson was tied for second on the Maple Leafs, while he ranked first in power play assists. For a defenseman to have such significant production on a successful powerplay is rare in the NHL. As the anchor of the Maples Leafs' power play, Franson's Award should reflect the rarity of his production and the importance of this role.

II. VALID COMPARABLE PLAYERS

A. Dmitry Kulikov

Dmitry Kulikov has spent five seasons with the Florida Panthers playing 313 games. While his games played are comparable to that of Franson, his statistics are undoubtedly inferior. As such, it will be demonstrated that Mr. Franson is entitled to an award that is at least comparable to Mr. Kulikov's current salary averaging \$4.3 million a season.¹⁹ From an offensive standpoint, Franson surpasses Kulikov's production in nearly all categories: goals, assists, points, power play goals and game winning goals. While Kulikov has only surpassed the 20-point mark twice in his career, Franson has never registered under 20 points in a single season. Furthermore, where Franson is coming off two stellar seasons with career highs in points per game and points

¹⁷ Ibid.

¹⁸ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20152ALLSAAAll&sort=powerPlayPercentage&viewName=powerPlay>

¹⁹ <http://www.capgeek.com/player/1587>

in a single season. Comparatively, Kulikov's offensive numbers are at a career low with numerous droughts in production throughout the season that lasted as long as 12 games.²⁰

Despite averaging 2:23 minutes of power play time a game, Kulikov only managed 5 power play points in his Platform Year.²¹ Again, this marginal output can speak to the Panthers boasting the worst power play unit in the entire league last year²². Kulikov's power play time has decreased in the last three seasons as the Panthers lose confidence in his abilities.

Kulikov's defensive capabilities are also considerably worse in comparison to Franson. Last season Kulikov spent 21:41 minutes on average per game.²³ First, Kulikov recorded a plus/minus rating of minus-26, which was the worst on his team and 8th worst in the league.²⁴ This was not a single season fluke since his career plus/minus rating is an abysmal minus-47.²⁵ Second, Kulikov's penalty minutes were at a career high of 66 despite registering less than half the hits that Franson delivered.²⁶ To emphasize how big the gap is between Franson and Kulikov, it is useful to point out that Kulikov's best single season tally for hits (125)²⁷ was only one higher than the number of hits that Franson registered in the shortened 2012/2013 season.²⁸ With the amount of time that Kulikov is spending on the ice and the marginal benefits that are being generated, one could easily see just how the Panthers managed to have the second worst defense in the league last season.²⁹

²⁰ <http://www.nhl.com/ice/player.htm?id=8475179&view=log&season=20132014>

²¹ Supra note 23.

²² Supra note 24.

²³ Supra note 23.

²⁴ <http://www.nhl.com/ice/playerstats.htm?season=20132014&gameType=2&team=&position=S&country=&status=&viewName=summary>

²⁵ Supra note 22.

²⁶ Supra note 23.

²⁷ Supra note 22.

²⁸ <http://www.nhl.com/ice/player.htm?id=8471742&view=splits&season=20122013&gameType=2>

²⁹ Supra note 24.

Kulikov makes less meaningful contributions to his team. He has only been to the playoffs once, and has played a total of seven play off games. In these games, however, he did not improve his game, but was largely underwhelming instead. When the Panthers lost a closely contested series against the New Jersey Devils in the 2012 playoffs, Kulikov only managed to record one point³⁰ and his minus-4 rating was the worst on the team.³¹

Kulikov also exhibits poor situational scoring. In his Platform Year, Kulikov scored the majority of his goals against teams who did not make the playoffs and 5 of his 8 goals were scored in non-key situations, when the game was at least outside a two goal margin.³²

In sum, Kulikov is a player who is weaker than Franson in nearly all aspects of the game. In his Platform Year especially, he was both ineffective on the offensive and defensive ends. Based on his superior offensive and defensive statistics as well as his greater contributions to team success, Franson should be compensated in a way that is not materially different from the \$4.3 million AAV of Kulikov's contract.

B. Jason Demers

The second comparable player selected for Mr. Franson is Jason Demers. As a class two UFA Mr. Demers and the San Jose Sharks came to a negotiated settlement for a two year contract with an AAV of \$3.4 million in July 2014.³³ This qualifies him as the most relevant class of free agent for the purposes of Mr. Franson's arbitration. A comparison to Mr. Demers will demonstrate that Mr. Franson has stronger defensive statistics and is a more durable player.

Mr. Franson and Mr. Demers have achieved comparable offensive production over the past three seasons. However, Mr. Franson has been much more active without the puck over this

³⁰ Supra note 23.

³¹ Supra note 28.

³² Supra note 23.

³³ <http://capgeek.com/player/155>

same stretch. This is particularly evident through hits. In each players Platform Season Franson had 282 hits while Demers registered 69.³⁴ In the previous season Franson had 124 hits and Demers 32. Franson has also registered more blocked shots than Demers in each of the last two seasons.³⁵ Franson's ability to utilize his physical play to intimidate opponents and his willingness to sacrifice his body for team success makes him a valuable player.

Despite his significantly more physical play, Franson has proven himself to be a more durable player than Demers. Both players entered the league in the same year, yet Demers has twice as many injury transactions.³⁶ As a result of injuries Demers has never played more than 75 games in an NHL season and only played 22 of 48 games in the 2012/2013 season. Comparatively, Franson has twice played more than 75 games in a season and played 45 of 48 games in the 2012/2013 season and 79 of 82 games in his Platform Season. Franson's durability adds value by ensuring the Leafs can rely on him as a stable defenders throughout the season and into the playoffs.

Cody Franson offers a unique blend of offensive production, physicality and durability that far exceeds that of Mr. Demers. As such, Mr. Franson's award in arbitration should exceed the negotiated settlement of \$3.4 million between Mr. Demers and the San Jose Sharks.

III. CONCLUSION

Cody Franson is a valuable hockey player who is effective on multiple fronts on the ice. His offensive skill, his physical play and his efficiency on the power play make him a coveted productive defenseman. Particularly when comparing Mr. Franson to Dmitry Kulikov of the

³⁴ <http://www.nhl.com/ice/player.htm?id=8474218&view=splits&season=20132014&gameType=2>

³⁵ <http://www.nhl.com/ice/player.htm?id=8474218&view=splits&season=20132014&gameType=2>

³⁶ <http://forecaster.thehockeynews.com/hockeynews/hockey/player.php?5601>

Florida Panthers and Jason Demers of the San Jose Sharks, it becomes evident that he is entitled to an Award above the \$3.3 million midpoint figure. It is submitted that \$3.5 million is a suitable and fair Award in arbitration for Cody Franson of the Toronto Maple Leafs.