

IN THE MATTER OF SALARY ARBITRATION BETWEEN:

LARS ELLER

-AND-

THE MONTREAL CANADIENS

BRIEF OF THE MONTREAL CANADIENS

Team #7

Case #2



I.	INTRODUCTION AND	
	OVERVIEW.....	1
	A. Quality of Production.....	1
	B. Discipline.....	3
	C. Performance Trends.....	4
II.	VALID COMPARABLE PLAYERS.....	4
	A. Mats Zuccarello – New York Rangers... ..	4
	B. Brandon Sutter – Pittsburgh Penguins	6
III.	CONCLUSION.....	8

I. INTRODUCTION AND OVERVIEW

Pursuant to S 12.9 of the NHLPA Collective Bargaining Agreement, the following brief will analyze the performance and contributions of Montreal Canadiens' centreman Lars Eller.¹ This analysis will demonstrate that Mr. Eller has a history of inconsistency and poor quality offensive production. Further, Mr. Eller has failed to exhibit the career improvement the Canadiens would expect from a player of his age. Finally, Mr. Eller lacks the defensive awareness of a successful two way centre men and this results in Eller frequently disadvantaging the team through minor penalties. Based on these arguments, Mr. Eller's award in arbitration should be below the midpoint salary of \$3.5 million. The Canadiens submit that \$3.25 million is an appropriate award.

A. Quality of production

In his Platform Year, Mr. Eller recorded 26 points and finished the season 9th among Canadiens players in scoring. This level of production was much lower than the Canadiens had expected of him. More concerning than his failure to meet expectations is the quality of Mr. Eller's offensive production. Four statistics will be used to measure quality of offensive production.

The first measure of quality of production is consistency. Throughout his platform year Mr. Eller had four different stretches of eight games or more without a point, including one

¹NHL Collective Bargaining Agreement, 2005, s.12

stretch of 14 games.²As a result of Mr. Eller's sporadic production, the Montreal Canadians could not consistently rely on him throughout the season, diminishing his value for the club.

The second measure of quality of production is goals by game situation; especially the ability to score in key situations when games are close.Over the past three NHL seasons Mr. Eller has scored 41 goals, yet only 64% of these goals have come when the team has been within one goal of the lead.³Comparable players will be used to demonstrate that this number is low by NHL standards.

The thirdrelevant statistic to this analysis is the timing of scoringduring the season. In the last two months of his Platform Year, between January 4th, 2014 and April 1st, 2014, Mr Eller recorded points in only 2 of these 33 games.⁴ Specifically in terms of goals, Eller had a 24 game stretch in the second half of his platform year without a goal.

Lastly, players who can be relied to perform against quality opposition are undoubtedly more valuable to a team.In his platform year Mr. Eller did not record a single point in 20 games of his platform season against teams in the top third of the NHL. Conversely, Mr. Eller scored 17 of his 26 points in games against the bottom third of teams in the league.⁵Further, his failure to contribute against the best teams is not isolated to the Platform Year. In his last full season in the league, the 2011/2012 season, Mr. Eller scored just 6 points in 27 games against the best teams in the league.

²<http://www.nhl.com/ice/player.htm?id=8474189&view=log&season=20132014>

³<http://www.nhl.com/ice/player.htm?id=8474189&view=splits&season=20132014&gameType=2>

⁴Supra note 1.

⁵Supra note 2.

B. Discipline

Mr. Eller had 68 penalty minutes in the 2013/2014 season. This included 58 minutes in minor penalties, tied for most among Montreal forwards, despite playing the 14th most minutes on the team. This total is nearly identical to his 2011/2012 season, and the average numbers from the shortened 2012/2013 season. In fact, in each of the past three seasons, Mr. Eller has taken the most, or second most minor penalties among all Canadian forwards. As such, over the past three seasons the Mr. Eller has forced The Montreal Canadiens to play shorthanded more than any other player. This alarming trend has also continued through post-season play. In the 2014 playoffs, where the Canadiens were upset by the New York Rangers in the Conference Finals, Mr. Eller had 9 minor penalties. This accounted for three more than any other forward on the team. The majority of Mr. Eller's penalties were for tripping, hooking, holding, and high sticking. These penalties are characteristic of a player who is frequently out of position, and tends to play defense with his stick rather than his feet.⁶

C. Performance Trends

Mr. Eller is not a high scoring centre. Over Mr. Eller's first four seasons in the NHL (disregarding his first season where he played only 7 games) he averaged 25.25 points per game.⁷ In his Platform Season he barely exceeded this average, scoring a meagre 26 points. This ranked 275th in the NHL, 9th on the Montreal Canadiens, and 4th among the teams centre men. In fact, Mr. Eller has only reached 30 points in a season one time in his career, and his career high in goals is 16 in the 2011/2012 season.⁸

⁶Mr. Eller's poor defensive play can only be seen through his plus/minus rating. Mr. Eller finished his platform year with a -15 rating, three points worse than any player on the Canadiens.

⁷<http://www.nhl.com/ice/player.htm?id=8474189&view=stats>

⁸<http://www.nhl.com/ice/player.htm?id=8474189&view=stats>

Mr Eller's Platform Year was nearly identical in terms of total offensive production to his last full season in the NHL, the 2011/2012 campaign. These two seasons yield nearly identical numbers in multiple categories: Games played, points, power play production, and penalty minutes. Mr Eller's offensive production has remained consistently poor despite more being given more opportunities by the Canadians. Mr Eller's time on ice and valuable power play time on ice has gone up in each of the last three seasons.⁹ His time on the power play nearly doubled from 0:39 seconds in 2011/2012 to 1:06 in 2013/2014.¹⁰ Despite these increased opportunities, Mr Eller's time on ice per point actually decreased between these seasons. Mr Eller has failed to demonstrate signs of significant improvement in offensive production that is to be expected from a player his age.

II. VALID COMPARABLE PLAYERS

A. Mats Zuccarello

Mr. Zuccarello was awarded a one year contract of \$3.5 million on July 22, 2014 after filing for arbitration. At the date of filing, Mr. Zuccarello was 26, while Mr. Eller was 25. Each player played also their first significant NHL season in 2010/2011. They both have spent their career in the NHL's Eastern Conference, meaning a similar level of competition. Both players have comparable playoff performances, including their teams facing each other in the conference finals in their respective Platform Years. For the aforementioned reasons, the Montreal Canadians feel that Mr. Zuccarello is an appropriate comparable player for Mr. Eller.

Despite their similarities, the Canadians submit that Mr. Eller has not demonstrated the quantity or quality of offensive production of Mr. Zuccarello, particularly in the Platform Year.

⁹<http://www.nhl.com/ice/player.htm?id=8474189&view=stats>

¹⁰<http://www.nhl.com/ice/player.htm?id=8474189&view=stats>

In their Platform Years, Mr. Eller and Mr. Zuccarello each played 77 games. In those 77 games Mr. Zuccarello totaled 59 points, morethan twice as many as Eller. Mr. Zuccarello led the Rangers in scoring and established a much higher ceiling of offensive production.As a result, his time on ice per point (22:22) is significantly better than Mr. Eller's (47:16).¹¹Further, the quality of Mr. Zuccarello's production is also significantly better than that of Mr. Eller .

The first measure of quality of production is consistency. Whereas Mr. Eller had 4 separate streaks of 8 or more games without a point last season, Mr. Zuccarello only had 1 streak in which he went more than 5 games without a point.¹² This demonstrates value in that the Rangers were able to consistently rely on offensivecontribution from Mr. Zuccarellothroughoutthe season.

A second measureof quality of offensive production is the timing of contributions within the season. Mr Zuccarello played his best hockey in the Rangers push for the playoffs, while Eller's failed to produce down the stretch. In the final 10 games of the year Mr. Eller scored only three points for the Canadians, including an eight game scoreless streak. Mr. Eller's time on ice for these final 10 games was 12:52, three full minutes below his average for the season.¹³ Comparatively, Mr. Zuccarelo scored ten points in the final ten games of the season, including a six game scoring streak, while his time on ice remained at his seasonal average.¹⁴ Where the Canadians lost faith in Mr. Eller towards the end of the year, Mr Zuccarello cemented himself as an offensive leader who the Rangers could rely on in the most important games of the season.

Mr. Zuccarello is a superior offensive player to Mr. Eller. Zuccarello who has much higher offensive potential, with a career high in points nearly double that of Eller. Perhaps as

¹¹<http://www.nhl.com/ice/player.htm?id=8474189&view=splits&season=20132014&gameType=2>

¹²<http://www.nhl.com/ice/player.htm?id=8475692&view=log&season=20132014>

¹³<http://www.nhl.com/ice/player.htm?id=8474189&view=splits&season=20132014&gameType=2>

¹⁴<http://www.nhl.com/ice/player.htm?id=8475692&view=log&season=20132014>

important, Mr. Zuccarello has a greater quality of offensive production. Further, Zuccarello's breakout Platform Season demonstrates a clear trend of improvement during his time in the NHL, indicating a likelihood of further improvement. Conversely, Mr. Eller's career trajectory has remained flat. For these reasons Mr. Eller's award in arbitration should be below the \$3.5 million negotiated settlement of Mr. Zuccarello.

B. Brandon Sutter

The Canadians submit Brandon Sutter as a second comparable player. In last year's off-season, Mr. Sutter came to a negotiated settlement with the Pittsburgh Penguins for a 2 year contract worth an average \$3.3 million. Mr. Eller and Mr. Sutter are each sizable centremen (Eller at 6'2" and Sutter at 6'3") who were each 25 years old at the time of arbitration. Neither player has a significant history of injury. Over the past four seasons, Mr. Eller has averaged 25.5 points per season. Mr. Sutter has averaged 26.5 points per season over this same stretch. Sutter has scored 9 game winning goals in the past four seasons and Eller has scored 8. In their platform years the two players each scored 26 points.

Mr. Eller and Mr. Sutter played nearly identical minutes for their respective teams in their Platform Year- Sutter at 15:46 and Eller at 15:47.¹⁵ Further, their power play time on ice was within a second of each other, suggesting similar opportunity. Offensively, the two players took nearly the same amount of shots on net – Eller with 137 shots and Sutter with 144.¹⁶ Defensively, Sutter had 29 takeaways in his platform year, just one fewer than Eller's 30.¹⁷

Mr. Eller's and Mr. Sutter's career trajectories are also very similar in that neither has demonstrated a trend towards drastically increased production. Both players' offensive

¹⁵<http://www.nhl.com/ice/player.htm?id=8474091&view=log&season=20132014>

¹⁶<http://www.nhl.com/ice/player.htm?id=8474091&view=splits> and supra note 8.

¹⁷Ibid.

production has remained fairly stable with the Platform Year being at or below their career high in production. Each player has played in the playoffs each of the past two seasons with Mr. Sutter having played 28 career playoff games compared to Mr. Eller's 25.¹⁸ Additionally, each player improved their scoring production in the playoffs with respect to points per game in their Platform Season. The Canadians believe that Mr. Sutter and Mr. Eller are thus very similar players. As such, Mr. Eller's award in arbitration should be in the range of the negotiated settlement that Mr. Sutter reached with the Pittsburgh Penguins.

Despite the similarities, there are two important areas in which Mr. Sutter significantly outperforms Eller: quality of offensive production and penalty time. First, Mr. Eller has scored 36 goals over the past three seasons, and 64% of these goals have come in key game situations. Over the same stretch, Mr. Sutter has scored 41 goals while an impressive 83% have been in key situations when his team has been within one goal of the lead.¹⁹ Second, over the past three seasons Mr. Eller has scored 84 points, yet only 16 of these have been against teams in the top third of the league. This translates into 19% of points scored over three years against the best teams in the league.²⁰ Comparatively, Mr. Sutter has scored 77 points over this same period, and 28 of these points have been against top teams. This translates into 36% of production against top teams. Mr. Sutter's numbers demonstrate a significantly better quality of offensive production over a three-year sample. As previously mentioned, players who consistently contribute against the best opponents are more valuable to an organization. Focusing specifically on the Platform Year of each player, we see that Mr. Eller has become less effective against the best teams in the league. In his platform year he scored 0 points in 20 games against top teams in

¹⁸Supra note 14.

¹⁹Supra note 14.

²⁰<http://www.nhl.com/ice/player.htm?id=8474189&view=splits&season=20132014&gameType=2>

the league.²¹ He scored 17 of his 26 points against teams in the bottom third of the league. This translates to 65% of his total production in the platform year against losing teams.

While Eller registers more hits than Sutter, he also disadvantages his team much more through poor penalties. Over the past three seasons Mr. Sutter has 37 penalty minutes. He is consistently among the least penalized players in the NHL despite playing a strong checking role on defense. Mr. Eller on the other hand has registered 179 penalty minutes over the past three seasons, the majority coming in minor penalties that force the club to play short-handed.

While the two players are quite similar and have had similar career trajectories and comparable Platform Years, Mr. Sutter has a higher quality production and disadvantages his team significantly less through penalties. As such, The Montreal Canadians submit that an appropriate award in arbitration for Mr. Eller is \$3.25 million, slightly lower than the negotiated settlement of Mr. Sutter.

III. CONCLUSION

While the Montreal Canadians value Lars Eller's contribution to the club, this brief has highlighted several of the team's concerns with his play. In particular the Canadians are concerned with Mr. Eller's quality of offensive contributions and the frequency with which he disadvantages the team through minor penalties. Based on these concerns and a comparative analysis, The Montreal Canadians submit that \$3.25 million is an appropriate award in arbitration for Lars Eller.

²¹<http://www.nhl.com/ice/player.htm?id=8474189&view=splits&season=20132014&gameType=2>