

## **HOCKEY ARBITRATION COMPETITION OF CANADA**

**CODY FRANSON v. TORONTO MAPLE LEAFS**

*Submission on Behalf of Toronto Maple Leafs*

*Salary Midpoint: \$3.30 million*

*Submitted by Team 26*

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## I. INTRODUCTION

This brief analyzes the past performance and contributions of 27-year old defenceman Cody Franson of the Toronto Maple Leafs (“Leafs”). Mr. Franson is a restricted free agent and is eligible for salary arbitration under section 12.1 of the Collective Bargaining Agreement (“CBA”).<sup>1</sup> As will be made clear by the evidence that is presented in this brief, Mr. Franson’s defensive contribution to the Leafs has been inconsistent and is a concern to the organization. This brief will consider the criteria for admissible evidence outlined in section 12.9(g) of the CBA to demonstrate the Toronto Maple Leafs Hockey Club’s (“Club”) justification for awarding Mr. Franson a lower salary. As such, the Club respectfully submits that he is entitled to an award below the \$3.30 million midpoint figure, and that \$3.00 million per season is appropriate.

## II. OVERALL PERFORMANCE OF THE PLAYER

**Table 1. Franson’s NHL Career Statistics<sup>2</sup>**

Season	Team	GP	G	A	P	PPG	+/-	PIM	TOI/G	Hits	S	S%
2009-10	PREDATORS	61	6	15	21	0.34	15	16	14:11	55	90	6.67
2010-11	PREDATORS	80	8	21	29	0.36	10	30	15:10	81	156	5.13
2011-12	MAPLE LEAFS	57	5	16	21	0.37	-1	22	16:11	102	65	7.69
2012-13*	MAPLE LEAFS	45	4	25	29	0.64	4	8	18:47	124	70	5.71
2013-14	MAPLE LEAFS	79	5	28	33	0.42	-20	30	20:41	282	115	4.35
<b>NHL TOTALS</b>		322	28	105	133	0.41	8	106	17:01	644	496	5.65

\* Due to the Owner’s Lockout, the 2012-13 Regular Season was 48 games and 99 days in duration. The conventional National Hockey League (“NHL”) Regular Season length is 82 games and 185-187 days in duration.

Mr. Franson is a 6’5, 213 lbs defenceman with five seasons of NHL experience who was drafted by the Nashville Predators (“Predators”) 79<sup>th</sup> overall in the 2005 NHL Entry Draft.<sup>3</sup> Mr. Franson played his first two NHL seasons with the Predators, where he saw an increase in most of his statistical measures in the progression of first to second year, as seen in Table 1. This

<sup>1</sup> National Hockey League Collective Bargaining Agreement, 2005, s. 12.1.

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

<sup>3</sup> *Ibid.*

included a career-high 8-goal season during his second year. On July 3, 2011, Mr. Franson was traded to the Leafs, where he has played the last three seasons.<sup>4</sup> In his platform season, Mr. Franson saw career highs in assists, points, hits, and time on ice (“TOI”). He led the Leafs defence in points with 33. Mr. Franson had a career high points per game average (“PPG”) in 2012-13, with 29 points (first among team defence) in 45 games for a 0.64 PPG (Table 1).

Although Mr. Franson has seen an increase in his point total in each season with the Leafs, his goal production has plateaued. Since Mr. Franson’s career high of 8 in 2010-11, he has not been able to match or surpass this total, with goal tallies of 5, 4, and 5 in each of the past three seasons (Table 1). This is even more alarming considering that he has received more TOI and has increased his shot total in each of these seasons. As such, his shooting percentage has dropped dramatically from the start of his tenure with the Leafs, going from 7.69% in the 2011-12 season to 4.35% in the 2013-14 season (Table 1).

Defensively, Mr. Franson displayed tendencies in his platform year that are concerning. He was second in the league in total hits with 282 (Table 1), which demonstrated his physicality, but hits are also an indication of players who do not have the puck and are attempting to get it from an opposing player. With such a high number of hits, this shows that Mr. Franson was constantly trying to get the puck instead of already having it. Another sign of Mr. Franson’s poor defensive play is his horrendous team-lowest +/- rating of -20.<sup>5</sup> On a wider comparison, out of 303 defencemen in the league last year, Mr. Franson ranked 290<sup>th</sup> in +/-.

### **III. NUMBER OF GAMES PLAYED AND INJURY HISTORY**

Mr. Franson has had no serious injuries during his career. In his platform season, he missed only three games (Table 1). These included one game on Mar 11 due to the flu, and two

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<sup>4</sup> <http://www.nhl.com/ice/news.htm?id=568385&navid=mod-rr-headlines>

<sup>5</sup> <http://www.nhl.com/ice/playerstats.htm?fetchKey=20142TORSVSALL&sort=plusMinus&viewName=summary>

games (Nov 30 and Dec 3) due to a lower body injury.<sup>6</sup> Mr. Franson has been a healthy scratch several times in his career, including the beginning of the 2013 lockout-shortened season, when he missed two games. He was also a healthy scratch for four games in the 2011-2012 season.

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

Although Mr. Franson ranked first among Leafs defencemen in points last season, his overall contribution is exaggerated and his offensive statistics mask his true, diminished value to the Club. In his platform season, he scored 18 of his 33 points on the power play, and the other 15 in 5-on-5 playing time.<sup>7</sup> But of those 18 points, only one was a power play goal. This is bound to pad his statistics; he was more likely than not to have been among the last three players to touch the puck before the goal is scored. In other words, he was more likely to be an incidental beneficiary of the man advantage. It does not indicate his actual goal-scoring capability or shooting skills, which are less impressive.

Although Mr. Franson saw an increase in ice time this past season, it bears a negative correlation. This past season, he had an average TOI that was 34 seconds longer in games the team lost than in games the team won.<sup>8</sup> Removing shootout-decided games entirely, in the top 20 regulation and overtime games in which he had the most TOI the Leafs had a 6-14 record. Once again removing shootout games, the team went 12-8 in its 20 games in which Mr. Franson appeared the least, a much more respectable 60% win percentage. These numbers provide convincing evidence that he is more of a liability for the team the longer he is out on the ice. In addition, his even strength goal differential shows another alarming trend. Even strength goal differential is the amount of a team's goals-for with equal players on the ice compared to goals-

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<sup>6</sup> <http://www.nhl.com/ice/player.htm?id=8471742&view=notes>

<sup>7</sup> <http://www.nhl.com/ice/player.htm?id=8471742&view=splits>

<sup>8</sup> <http://www.nhl.com/ice/player.htm?id=8471742&season=20132014&view=log;>  
<http://www.nhl.com/ice/schedulebyseason.htm?season=20132014&gameType=2&team=TOR&network=&venue=>

against with even players on the ice. It does not include short-handed goals-for and power play goals-against (which are included in a +/- rating). When Mr. Franson was not on the ice, the Leafs' even strength goals-for was +1.<sup>9</sup> When Mr. Franson was on the ice, the Leafs even strength goals-for was -13. Overall, this means that when Mr. Franson was on the ice, the Leafs were scored on more than when he was not on the ice. This once again shows that, although Mr. Franson helped contribute offensively as a leading scorer for the team's defence, he was still a rather noticeable liability defensively for the Leafs.

Another example of Mr. Franson's limited usefulness is the division of his points from the 2013-2014 season between home and road games. He scored 24 points at home (72.7% of his total points), and only 9 (27.2%) in away games.<sup>10</sup> Of those 9 points on the road, none were goals. There seems to be a sharp difference in his capabilities when playing at home and when playing in an opposing team's building. This could be a result of nerves, or that he is easily pressurized or intimidated by hostile environments, or that he is less capable than his teammates at adjusting to the strenuous travel schedules and time zone-altered sleep patterns.

## **V. SPECIAL QUALITIES OF LEADERSHIP AND PUBLIC APPEAL**

Mr. Franson's off-ice situations have also cast doubt on his ability to be a team player and not a distraction for the Club. The Club held him to a one-year deal in the 2012-2013 season for \$1.2 million, and his desire for a raise the following season led him to miss most of Maple Leafs 2013 training camp while his contract was disputed.<sup>11</sup> By allowing the contract dispute to overlap into the pre-season and the team's preparations for the upcoming season, Mr. Franson

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<sup>9</sup> [http://www.behindthenet.ca/nhl\\_statistics.php?ds=25&f1=2013\\_s&f2=5v5&f4=D&f5=TOR&c=0+1+3+5+4+6+7+21+22+23+24+25+26+27+28](http://www.behindthenet.ca/nhl_statistics.php?ds=25&f1=2013_s&f2=5v5&f4=D&f5=TOR&c=0+1+3+5+4+6+7+21+22+23+24+25+26+27+28)

<sup>10</sup> *Supra*, at note 7.

<sup>11</sup> <http://www.capegeek.com/player/1071>; <http://www.sportsnet.ca/hockey/nhl/report-leafs-sign-franson-for-3-3-million/>

has demonstrated a “me-first” attitude that does not align with what it takes to succeed as a team in the NHL. Surely, a player sitting out of training camp becomes noticeable quickly, not only to the media but also to his teammates. His issue became an ongoing distraction from the important preparations that his team must go through as a team.

Along the same line of distractions, Mr. Franson also has legal troubles stemming from a car accident in British Columbia in July 2008.<sup>12</sup> He filed an injury claim alleging that the injuries caused by that accident rendered him unable to effectively compete for a roster spot on the Predators at the time. He claimed \$500,000 in lost earnings as a result of not making that team. The validity of such a claim for future profits is not being debated in this brief, but this legal battle demonstrates Mr. Franson’s propensity for getting himself into off-ice incidents that do not reflect well on his value as a teammate and member of the Leafs.

## VI. COMPARABLE PLAYERS

### A. Jason Demers

**Table 2. Demers’ NHL Career Statistics<sup>13</sup>**

Season	Team	GP	G	A	P	PPG	+/-	PIM	TOI/G	Hits	S	S%
2009-10	SHARKS	51	4	15	21	0.41	5	21	15:25	42	52	7.7
2010-11	SHARKS	75	2	21	29	0.37	19	28	19:29	87	105	1.9
2011-12	SHARKS	57	4	16	21	0.39	-8	22	16:50	60	73	5.5
2012-13*	SHARKS	22	1	25	29	0.45	-4	10	18:37	32	27	3.7
2013-14	SHARKS	75	5	29	34	0.45	14	30	19:29	69	105	4.8
<b>NHL TOTALS</b>		280	16	179	115	0.41	26	111	18:08	290	496	5.65

Jason Demers was drafted 186<sup>th</sup> overall by the San Jose Sharks (“Sharks”) in the 2008 NHL Entry Draft.<sup>14</sup> On July 16 2014, The Sharks signed him to a two-year deal for \$3,400,000

<sup>12</sup> <http://www.mccombwitten.com/blog/cody-fransons-icbc-injury-claim-and-you.cfm>

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

<sup>14</sup> *Ibid.*

per year.<sup>15</sup> Mr. Franson (age 27) is one year older, but both have played 5 NHL seasons, with Mr. Franson playing 42 more regular season NHL games in his career than Mr. Demers. In their platform seasons, Mr. Franson averaged 20:41 minutes per game, which was 30 seconds higher than Mr. Demers' 19:29 per game (Table 2). Last season, Mr. Franson averaged 2:54 minutes per game on the power play, which was higher by 30 seconds than Mr. Demers' 1:55 minutes per game of power play TOI.<sup>16</sup> Both players are nearly identical in PPG over the course of their careers, with 0.41 PPG for Mr. Franson and 0.40 PPG for Mr. Demers. In their platform seasons, Mr. Demers had one more point than Mr. Franson, despite playing 4 less games and averaging less TOI both on the power play and overall (Table 2). As a result, Mr. Demers had a higher PPG during his platform season than Mr. Franson (0.45 PPG to 0.42 PPG). It should also be noted that Mr. Demers averaged 70.6% of his points playing even strength.<sup>17</sup> Mr. Franson relied more on the man advantage to register his points, with only 45.4% of his points at even strength. Mr. Franson also demonstrated that he was not as effective in contributing offensively on the road, with only 9 of his 33 points in away games while Mr. Demers registered 20 of 34 points on the road.<sup>18</sup> Last season, Mr. Demers had a +/- of +14 (7<sup>th</sup> on his team) while Mr. Franson was a team low -20.<sup>19</sup> From a career standpoint, Mr. Demers also is higher than Mr. Franson (+26 to +8).

Mr. Demers has seen playoff time each of his five seasons with the Sharks, totaling 39 NHL playoff games, which is 13 more than the 23 playoff games of Mr. Franson. In 39 games, Mr. Demers has 3 goals and 6 assists for 9 points and a -6 rating.<sup>20</sup> Mr. Franson has 4 goals, 9 assists and 13 goals and a +1 rating. Mr. Franson's most recent playoff experience was in 2013

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<sup>15</sup> <http://capgeek.com/player/155>

<sup>16</sup> <http://www.nhl.com/ice/player.htm?id=8474218&view=splits>

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> <http://www.nhl.com/ice/playerstats.htm?fetchKey=20142SJSSVSALL&sort=plusMinus&viewName=summary>

<sup>20</sup> *Supra*, at note 13.



when the Leafs lost in 7 games to the Boston Bruins, which included the epic collapse by the Leafs in the seventh game where Boston won 5-4 in overtime. In that game, Mr. Franson played 27:31 minutes (2<sup>nd</sup> on the team), but was also -2.<sup>21</sup> Mr. Demers saw the most success in his first two playoff seasons with the Sharks (2010 and 2011 playoffs) where he played 15 and 13 games respectively, making it to the Western Conference final both times.<sup>22</sup> In the past three seasons' playoffs, Demers played in 3, 1 and 7 games respectively.

Therefore, considering that Mr. Demers contributed more points to his team and better PPG with less power play and even strength TOI, along with his much better +/- rating, the Club submits that Mr. Demers is more valuable to his team, and as such Mr. Franson's award should not be higher than Mr. Demers' \$3.4 million deal, nor should it be \$100,000 less at \$3.3 million.

#### B. Kris Russell

**Table 3. Russell's NHL Career Statistics<sup>23</sup>**

Season	Team	GP	G	A	P	PPG	+/-	PIM	TOI/G	Hits	S	S%
2007-08	BLUE JACKETS	67	2	8	10	0.15	-12	14	14:47	31	90	2.2
2008-09	BLUE JACKETS	66	2	19	21	0.32	-10	28	16:07	50	86	2.3
2009-10	BLUE JACKETS	70	7	15	22	0.31	3	32	18:35	101	108	6.5
2010-11	BLUE JACKETS	73	5	18	23	0.31	-9	37	17:31	63	88	5.7
2011-12	JACKETS/BLUES	55	6	6	12	0.22	12	25	17:00	61	56	10.7
2012-2013*	BLUES	33	1	6	7	0.21	6	9	16:02	26	41	2.4
2013-2014	FLAMES	68	7	22	29	0.43	-11	15	23:08	42	109	6.4
<b>NHL TOTALS</b>		432	30	94	124	0.29	-21	160	17:45	374	578	5.2

Kris Russell was drafted 67<sup>th</sup> overall by the Columbus Blue Jackets in the 2005 NHL Entry Draft.<sup>24</sup> On February 8, 2014, Mr. Russell signed a two-year deal with the Calgary Flames for \$2.6 million per year.<sup>25</sup> Both players (who are the same age) have almost the same average power play TOI per game: 2:57 for Mr. Russell and 2:54 for Mr. Franson. They scored a similar

<sup>21</sup> <http://www.nhl.com/ice/player.htm?id=8471742&view=log&season=20122013>

<sup>22</sup> *Supra*, at note 13.

<sup>23</sup> <http://www.nhl.com/ice/player.htm?id=8471729&view=stats>

<sup>24</sup> *Ibid.*

<sup>25</sup> <http://capgeek.com/player/599>

amount of points in the 2013-2014 season; Mr. Franson had 33 and Mr. Russell had 29, which put them 7<sup>th</sup> and 8<sup>th</sup> respectively on their teams in terms of production.<sup>26</sup> But that is where the similarities end. Mr. Russell is on ice at even strength for 3:09 minutes more than Mr. Franson is (19:17 compared to 16:08).<sup>27</sup> He also has a higher shooting percentage, 6.4% to Mr. Franson's 4.3% (Table 3). Comparing +/-, Mr. Franson was worse than Mr. Russell (-20 compared to -11).

Overall, however, Mr. Franson appears to be a more valuable contributor to his team's success. He has more points than Mr. Russell (133 to 124) in fewer career NHL games (322 to 432), scoring at a 0.41 PPG compared to Mr. Russell's 0.29 PPG (Table 3). Mr. Franson had the highest number of points for a Toronto defenceman in the 2013-2014 season, while Mr. Russell was ranked third the Flames.<sup>28</sup> Although they are comparable, the stats give rise to the argument that Mr. Franson should earn slightly more than Mr. Russell's \$2.6 million per season, but not by a large amount, and definitely not \$700,000 more per season at \$3.3 million.

## VII. CONCLUSION

The Club recognizes Mr. Franson's offensive contributions and, within the scope of comparable players and their contributions to their respective teams, wants to award him a salary that reflects his talents. However, given his declining goal contribution, poor +/- rating, poor even strength goal differential effect on his team, and off-ice distractions, the Maple Leafs Hockey Club has valid concerns regarding Mr. Franson. Mr. Franson is entitled to an award below the \$3.30 million midpoint figure, and a \$3.0 million salary per season is appropriate.

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<sup>26</sup> <http://www.nhl.com/ice/playerstats.htm?season=20132014&gameType=2&team=CGY&position=S&country=&status=V&viewName=summary>; *Supra*, at note 8 (second link).

<sup>27</sup> <http://www.nhl.com/ice/player.htm?id=8471729&view=splits>

<sup>28</sup> *Supra*, at note 24 (first link).