

**2014 HOCKEY ARBITRATION COMPETITION OF CANADA**

Mr. Cody Franson v Toronto Maple Leafs

Submission on behalf of the Toronto Maple Leafs

Midpoint: \$ 3 300 000

Team 11

## **Table of Contents**

- I. INTRODUCTION
- II. OVERALL PERFORMANCE OF THE PLAYER
  - A. Career Performance
  - B. 2013-2014 Regular Season Performance
- III. NUMBER OF GAMES PLAYED AND INJURY HISTORY
- IV. LENGTH OF SERVICE
- V. OVERALL CONTRIBUTION TO THE CLUB
- VI. SPECIAL QUALITIES OF LEADERSHIP OR PUBLIC APPEAL
- VII. COMPARABLE PLAYERS
  - A. Cody Franson
  - B. Michael Del Zotto
  - C. Nikita Nikitin
- VIII. CONCLUSION

## I. INTRODUCTION

This brief analyzes the performance and contributions of Cody Franson (the “Player” or “Mr. Franson”) of the Toronto Maple Leafs (the “Club” or the “Leafs”). Mr. Franson signed his fourth Standard Player Contract in 2013-2014.<sup>1</sup> This contract was his second 1 year contract.<sup>2</sup> Mr. Franson had previously signed a 3 year entry level deal in 2007-2008 and a subsequent 2 year contract for 2010-2011 and 2011-2012.<sup>3</sup> Mr. Franson was a restricted free agent when his contract expired at the end of the 2013-2014 season. Having acquired more than four years of professional experience, Mr. Franson is eligible for salary arbitration pursuant to section 12.1 of the Collective Bargaining Agreement (“CBA”).<sup>4</sup>

As will be clear from the evidence of his performance and contributions presented in this brief, Mr. Franson’s lack of any significant increase in statistical production do not warrant an increase in salary to \$3.3 million. The Toronto Maple Leafs respectfully requests that the panel find that he is entitled to a salary arbitration award of \$2.6 million.

## II. OVERALL PERFORMANCE OF THE PLAYER

### A. Career Performance

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

Season	GP	G	A	P	+/-	PIM	HITS	BS	GvA	TkA	TOI
2009-2010	61	6	15	21	15	16	55	53	22	19	14:12

<sup>1</sup> Player Profile: <http://www.capgeek.com/player/1071>

<sup>2</sup> *Ibid.*

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

<sup>4</sup> NHL Collective Bargaining Agreement, 2012, s. 12.1(a)-(c). The CBA establishes that the following evidence is to be considered in determining the Player’s salary arbitration award: the overall performance of the Player in previous seasons; the number of games played by the Player and his injuries or illnesses during the preceding seasons; the length of service of the Player in the League and/or with the Club; the overall contribution of the Player to the competitive success or failure of the Club in the preceding season; special qualities of leadership or public appeal not inconsistent with the fulfillment of his responsibilities as a playing member of his team; the overall performance in the previous season or seasons of any player(s) who is alleged to be comparable to the Player whose salary is in dispute; and the compensation of players who is alleged to be comparable to the Player whose salary is in dispute. s.12.9(g)(ii)(A)-(G). This brief will consider each of these criteria in turn.

<sup>5</sup> All Statistics for Table 1 were provided by [www.nhl.com](http://www.nhl.com).

2010-2011	80	8	21	29	10	30	81	52	39	29	15:11
2011-2012	57	5	16	21	-1	22	102	53	45	20	16:11
2012-2013	45	4	25	29	4	8	124	59	40	21	18:47
2013-2014	79	5	28	33	-20	30	282	111	68	50	20:42
<b>Career</b>	<b>322</b>	<b>14</b>	<b>69</b>	<b>83</b>	<b>-17</b>	<b>60</b>	<b>644</b>	<b>296</b>	<b>214</b>	<b>139</b>	<b>17:01</b>

Mr. Franson was drafted in the 3<sup>rd</sup> round of his NHL Entry Draft.<sup>6</sup> He spent two years in Junior and an additional two years playing in the American Hockey League<sup>7</sup>

Mr. Franson's defensive statistics best indicate his value to his Club based on his position. Despite it being Mr. Franson's job to keep the puck out of the net, the player is a -17 for his career.<sup>8</sup> Additionally, Mr. Franson has a ratio of 1.5 giveaways to takeaways for his career.<sup>9</sup> Further, Mr. Franson has only earned an average of 52.4% defensive zone starts for his career.<sup>10</sup>

Mr. Franson's offensive numbers are respectable but do not compensate for his defensive shortcomings. He contributes approximately 5 goals a year.<sup>11</sup> Mr. Franson has improved in shot blocking and hits but he must improve his overall game to justify an increase in salary.

### 2013-2014 Season

**Table 2: 2013-2014 Season Statistics for Cody Franson**

Season	G P	G	A	P	+/-	PIM	HITS	BS	GvA	TkA	TOI
2013-2014	79	5	28	33	-20	30	282	111	68	50	20:42

Mr. Franson had an unpredictable platform season despite leading the Leafs defensemen in points, Mr. Franson became an increased defensive liability. Prior to this season Mr. Franson

<sup>6</sup> Player Profile: <http://www.nhl.com/ice/player.htm?id=8471742>

<sup>7</sup> *Ibid.*

<sup>8</sup> *Supra* Note 5

<sup>9</sup> Player Profile: <http://www.hockey-reference.com/players/f/fransco01.html>

<sup>10</sup> Player Profile: <http://www.hockey-reference.com/players/f/fransco01-additional.html>

<sup>11</sup> *Supra* Note 5

had generally been a plus or even player. During this year however, Mr. Franson struggled and fell to a -20.<sup>12</sup> Mr. Franson's giveaways also increased from a previous high of 45 to 68 this past season.<sup>13</sup> Mr. Franson's shortcomings defensively undermine his increased offensive production. Also, Mr. Franson failed to build on his offensive production from the 2012-2013 season. In this lockout shortened season, where the Player, played 45 games he produced 29 points. Mr. Franson failed to replicate this offensive production as in his platform season he produced 33 points but over 79 games.<sup>14</sup>

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

In five seasons in the NHL Mr. Fransen has played 322 career games.<sup>15</sup> The Player has only ever played in every game of a season once, in 2010-2011. Mr. Franson has accumulated fewer games played in part because early in his career he spent most of his first season with the Nashville Predators, American Hockey League Team. As a result he did not begin playing in the NHL until the final year of his entry level deal.

Mr. Franson missed games in his platform season due to a lower-body injury.<sup>16</sup> He has also periodically missed games due to illness.<sup>17</sup> Mr. Franson has also missed games throughout his career as his coaches have made him a healthy scratch.<sup>18</sup>

### **IV. LENGTH OF SERVICE**

Mr. Franson was selected in the third round and 79<sup>th</sup> overall by the Nashville Predators (the "Predators") in the 2005 NHL Entry Draft.<sup>19</sup> Mr. Franson returned to his Western Hockey

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<sup>12</sup> *Supra* note 4.

<sup>13</sup> *Supra* note 10.

<sup>14</sup> *Supra* note 4.

<sup>15</sup> *Ibid.*

<sup>16</sup> News Report: <http://www.thescore.com/nhl/news/372426>;

<sup>17</sup> News Report: <http://www.thescore.com/nhl/news/452254>

<sup>18</sup> News Report: <http://www.cbc.ca/sports-content/hockey/opinion/2014/02/leafs-cody-franson-rounding-out-game-with-physical-play.html>

League Junior Team, the Vancouver Giants, for two seasons following his draft year. It was not until the 2007-2008 season that the Player turned professional. Mr. Franson spent two additional seasons with the Predators, American Hockey League Affiliate, the Milwaukee Predators, before making his NHL debut in the 2009-2010 season.<sup>20</sup> This was 4 years he was drafted. Mr. Franson played his first full NHL season in 2010-2011. The Player was then traded to the Toronto Maple Leafs the following year. Mr. Franson has accumulated six years of professional service but has yet to become a steady and reliable presence in a NHL Club's lineup.

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

During Mr. Fransen's time with the Predators, he benefitted from playing within a tight defensive oriented team which helped his development. Mr. Fransen was not asked to play minutes on the power play nor was he relied on in important defensive situations by the Predators. Mr. Fransen played in 16 playoff games with the Predators. In the 2009-2010 Playoffs the player only skated 9:02 minutes per game and produced only 1 point before his team was eliminated in four straight games.<sup>21</sup> The subsequent year, Mr. Fransen played 15:12 minutes per game and produced six points as his team advanced to the second round.<sup>22</sup>

After being traded to the Leafs, Mr. Fransen has only been in one playoff series. He played 22:29 minutes per game and produced 6 points. Mr. Fransen however, was part of a game 7 collapse in the first round where his Club had a lead but ultimately lost to the opposing Club.<sup>23</sup> As a defensive player, Mr. Fransen must take some responsibility for his Club's inability to hold a lead in a playoff Game 7. In Mr. Fransen's platform season his Club struggled. The Maple

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<sup>19</sup> *Supra* note 6.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Supra* note 9.

<sup>22</sup> *Ibid.*

<sup>23</sup> News Report: <http://sports.nationalpost.com/2013/05/13/leafs-endure-heartbreaking-collapse-in-game-7-overtime-loss-to-bruins/>

Leafs finished 38-36-8 and had a negative goal differential of 25.<sup>24</sup> The Maple Leafs also ended their season by going 2-8-0.<sup>25</sup>

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

Mr. Franson is a well-liked teammate who performs respectably on the ice; however he has not assumed any leadership positions with the Maple Leafs. Mr. Franson does not have a noteworthy off-ice presence, although he does participate in some of his teammates charitable organizations. Mr. Franson could have a larger impact due to his position in the Toronto market.

## **VII. COMPARABLE PLAYERS**

### **A. Cody Franson**

The greatest comparable player to Cody Franson is Cody Franson himself. Mr. Franson was arbitration eligible upon the signing of his \$2million contract after his most productive season – the lockout shortened season. At the time he had 0.42 points per game career and 0.64 on his platform year. Since, he has regressed to 0.41 career points per game and 0.42 on his platform season. This demonstrated a very large offensive decline from when his previous contract was awarded.

Defensively, Mr. Franson increased his platform year hits totals from 2.76 to 3.57 per game and his blocked shots from 1.31 to 1.41 per game. However, over that season, he accumulated a +/- of -20, bringing him from a career +28 to merely a career +8. As hits and blocks increased, but far more goals were allowed when he was on the ice than were scored, it can fairly be said that Mr. Franson did not improve very much defensively.

### **B. Michael Del Zotto**

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<sup>24</sup> NHL Standings: <http://www.nhl.com/ice/standings.htm?season=20132014&type=DIV>

<sup>25</sup> *Ibid.*

**Table 3: Career Statistics for Michael Del Zotto<sup>26</sup>**

<b>Season</b>	<b>GP</b>	<b>G</b>	<b>A</b>	<b>P</b>	<b>+/-</b>	<b>PIM</b>	<b>HITS</b>	<b>BS</b>
2009-2010	80	9	28	37	-20	32	162	92
2010-2011	47	2	9	11	-5	20	92	72
2011-2012	77	10	31	41	20	36	156	95
2012-2013	46	3	18	21	6	18	77	64
2013-2014	67	3	13	16	-9	18	78	75
<b>Career</b>	<b>317</b>	<b>27</b>	<b>99</b>	<b>126</b>	<b>-8</b>	<b>124</b>	<b>565</b>	<b>398</b>

Michael Del Zotto is a defenseman on the Philadelphia Flyers, who signed a one year SPC before the 2014-2015 NHL season<sup>27</sup>. Despite being drafted 3 years earlier than Mr. Del Zotto, they have played almost an identical number of games leading up to their contract negotiations (317 and 322). Mr. Del Zotto is 25, while Mr. Franson is 27. Each are relied on as offensive defenseman and so each is a good player for comparison to the other.

Offensively, the career numbers, like games played, are eerily similar. Mr. Franson has accumulated 0.41 points per game over his career, while Mr. Del Zotto has accumulated 0.40. They have similar numbers of goals and assists, Franson (28, 105) edges out Del Zotto (27, 99) in each category. Their +/- ratings are also quite similar, being -8 for Del Zotto and 8 for Franson.

Defensively, Franson has accumulated a career 2 hits per game, while Del Zotto has accumulated 1.78 hits per game. Del Zotto, however, has more blocked shots on his career at 1.26 per game to Mr. Franson's 0.92. These players have therefore been as defensively close over their careers as they have offensively.

<sup>26</sup> <http://www.nhl.com/ice/player.htm?id=8474584&docid=TeamPlayerBio:47771#&navid=nhl-search>

<sup>27</sup> <http://www.capgeek.com/player/1158>



Despite Mr. Del Zotto's strong offensive and defensive performances over his career, his most recent contract sits at only \$1.3million on a one year deal. Given that his previous contract was worth \$2.5million, one can infer that his drop in salary must have been due to a drop in performance over his platform season. Indeed, his points per game dropped to 0.24, compared to Mr. Franson's performance at 0.42. This is where the greatest discrepancy lies between the two players, however, given that their career performances match each other, the salary of Mr. Franson should certainly not reach more than twice the award to Mr. Del Zotto, being based only on a better platform season. To Award Mr. Franson more than \$2.6million would bring him too far from what his career performance doppelganger, Michael Del Zotto, earns.

### **Nikita Nikitin**

**Table 4: Career Statistics for Nikita Nikitin<sup>28</sup>**

<b>Season</b>	<b>GP</b>	<b>G</b>	<b>A</b>	<b>P</b>	<b>+/-</b>	<b>PIM</b>	<b>HITS</b>	<b>BS</b>
2010-2011	41	1	8	9	1	10	40	52
2011-2012	61	7	25	32	-10	18	47	114
<b>Career</b>	<b>102</b>	<b>8</b>	<b>33</b>	<b>41</b>	<b>-9</b>	<b>28</b>	<b>87</b>	<b>166</b>

Nikita Nikitin was 26 years old when he signed his 2 year \$2.15million contract, before the 2012-2013 season, being the same age of eligibility as Mr. Franson, and also arbitration eligible<sup>29</sup>. Each player is known for their offense, and while Nikitin may have less NHL experience, his age is comparable and he has similar professional hockey experience.

Offensively, Cody Franson has scored at a pace of 0.41 points per game on his career, while Mr. Nikitin has scored at a pace of 0.40 points per game. However, Mr. Nikitin has scored 20% of his points as goals, while Mr. Franson has only scored 17% of his points as goals. Again,

<sup>28</sup> <http://www.nhl.com/ice/player.htm?id=8471348&docid=TeamPlayerBio:47020#&navid=nhl-search>

<sup>29</sup> <http://www.capgeek.com/player/1794>

in relation to platform years, Mr. Nikitin has superior offensive numbers: Mr. Nikitin scored 0.53 points per game that season, compared to 0.42 for Mr. Franson. Mr. Nikitin actually increased his percentage of points from goals to 22% that year, while Mr. Franson's fell to 15%. Mr. Nikitin is therefore on par with Mr. Franson offensively, over their careers, and has a substantially better platform season.

Defensively, Mr. Franson has had better career hits than Mr. Nikitin, securing 2 hits per game to Mr. Nikitin's 0.85. However, Mr. Nikitin has achieved more blocks, accumulating 1.63 per game, to Mr. Franson's 0.92. These players are therefore both quite productive defensively, but with an edge to Mr. Franson as hits are often more valuable than blocks.

As Mr. Nikitin is the better offensive player, and close to par on defense, and as both of these players are billed as offensive defensemen, it seems that Mr. Franson should be awarded slightly more than the \$2.15million salary that Mr. Nikitin was awarded.

## **VIII. CONCLSION**

Mr. Cody Franson has been a solid player over his career both offensively and defensively. However, he has experienced regression since signing a one year \$2million contract, when he was arbitration-eligible last year. Given that his offensive statistics declined sharply and his defensive statistics remained about the same, all that he can be further compensated for is additional NHL experience. We are comfortable with an award that is double the award of \$1.3 million to Mr. Del Zotto, as they are identical over their career, save for a better platform year for Mr. Franson. This also reflects well on the precedential value of Mr. Nikitin, who has outperformed Mr. Franson offensively, and nearly matched him in defensive prowess, earning \$2.15million. Accordingly, the contract awarded to Mr. Franson should be \$2.6million.