

**HOCKEY ARBITRATION COMPETITION OF CANADA**

**IN THE MATTER OF SALARY ARBITRATION BETWEEN**

**CODY FRANSON**

**- AND -**

**THE TORONTO MAPLE LEAFS**

**BRIEF OF THE TORONTO MAPLE LEAFS**

**SUBMITTED BY TEAM 14**



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## I. INTRODUCTION

[1] Pursuant to section 12 of the Collective Bargaining Agreement (“CBA”) between the National Hockey League (“NHL”) and the National Hockey League Players’ Association (“NHLPA”),<sup>1</sup> this brief will provide an analysis of Cody Franson’s overall performance and contribution to the Toronto Maple Leafs. As the evidence will ascertain, Mr. Franson’s defensive shortcomings, lack of contribution to team success, and regressive performance in his Platform Year are all causes for concern for the Toronto Maple Leafs. It is therefore respectfully submitted that Mr. Franson is entitled to an award below the \$3.3M midpoint salary. The Toronto Maple Leafs further submit that \$3M for a one-year term would constitute just and fair compensation.

## II. OVERVIEW OF PERFORMANCE

### Cody Franson – Toronto Maple Leafs<sup>2</sup>

	GP	G	A	P	+/-	PIM	Hits	BkS	GvA	PP-TOI	SH-TOI	TOI
Platform	79	5	28	33	-20	30	282	111	68	2:54	1:38	20:41
Career	322	28	105	133	8	106	644	328	214			

[2] Throughout his career, Cody Franson has displayed good offensive instincts, collecting at least 21 points in each of his first five seasons in the NHL.<sup>3</sup> More specifically, over parts of the past three seasons, Mr. Franson has been a serviceable depth defenseman for the Toronto Maple Leafs. His contribution with the man-advantage has helped Toronto’s power play rank among the top 10 of the league for the past two seasons.<sup>4</sup> However, as evidenced by his Platform Year and his underlying career statistics, his power play production and increased role were substantially overshadowed by his defensive shortcomings in all other aspects of the game.

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<sup>1</sup> Collective Bargaining Agreement Between National Hockey League and National Hockey League Player’s Association, February 15, 2013.

<sup>2</sup> <http://www.nhl.com/ice/player.htm?id=8471742&view=splits> [Franson Splits, nhl.com].

<sup>3</sup> <http://www.nhl.com/ice/player.htm?id=8471742&view=stats> [Franson Stats, nhl.com].

<sup>4</sup> <http://www.nhl.com/ice/teamstats.htm?season=20132014> [Team Stats 2013-2014, nhl.com] ; <http://www.nhl.com/ice/teamstats.htm?season=20122013> [Team Stats 2012-2013, nhl.com].

## **A. Regression to the mean**

[3] After a positive 2012-2013 campaign, in which he collected 29 points in 45 games (0.64 points per game), Mr. Franson's offensive production regressed to the mean in his Platform Year.<sup>5</sup> The 0.42 points per game pace at which he produced in 2013-2014 is more consistent with his career average of 0.41 points per game.<sup>6</sup> Furthermore, this was true despite the fact that he was playing on average two more minutes per game in 2013-2014.<sup>7</sup> This clearly indicates that Mr. Franson's 2012-2013 season is an outlier and, accordingly, must not carry much weight.

[4] In fact, when compared to his 2010-2011 season, his offensive regression becomes even more apparent. In that season, while playing for the Nashville Predators, Mr. Franson accumulated 29 points in 80 games while playing on average 15:10 minutes per game.<sup>8</sup> In 2013-2014, he collected only four more points (33) in 79 games yet averaged 20:41 minutes per game, which also included an extra minute of power play time per game.<sup>9</sup> Based on this, it is fair to conclude that Mr. Franson has reached his ceiling in terms of potential and offensive production and that his Platform Year is a good indicator of future offensive performance.

## **B. Defensive Liability**

[5] Despite offensive statistics, the value of NHL defensemen must invariably be measured according to defensive ability. One way this can be done is by examining the player's plus/minus rating. In this Platform Year, despite being provided with the most ice-time in his career, Mr. Franson was minus-20. This is by far the worst showing of his career and the worst among Maple Leafs blue liners who played the whole season in Toronto.<sup>10</sup> In fact, Mr. Franson ranked among

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<sup>5</sup> Franson Stats, nhl.com, *supra* note 3.

<sup>6</sup> *Ibid.*

<sup>7</sup> Franson Splits, nhl.com *supra* note 2.

<sup>8</sup> Franson Stats, nhl.com, *supra* note 3.

<sup>9</sup> Franson Splits, nhl.com *supra* note 2.

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

the worst defensemen in the entire NHL in that category (290 out of 302).<sup>11</sup> Furthermore, since being acquired by the Maple Leafs prior to the 2011-2012 season, Mr. Franson is minus-17, clearly exposing his defensive deficiencies when relied upon to take on added responsibilities.<sup>12</sup> In addition, Mr. Franson was also responsible for 68 giveaways, the most of his career, further demonstrating his defensive limitations.<sup>13</sup> When afforded a larger role, he simply was not up to the task, which led to a reduction of his ice-time as the 2013-2014 season progressed.

[6] When evaluating the defensive ability of a player, it is also useful to consider the defensive success of the team as a whole. In his Platform Year, Mr. Franson was a staple on the Maple Leafs' second penalty killing unit, amassing an average of 1:38 minutes per game with a man down, the most of his career.<sup>14</sup> However, a season after having the league's second ranked penalty killing, the Maple Leafs ranked 28<sup>th</sup> in that category in 2013-2014.<sup>15</sup> With most of the forward core remaining intact, it becomes evident that Mr. Franson's increased role in penalty killing was a failed experiment.

[7] Furthermore, the Toronto Maple Leafs ranked last in the NHL in shots against per game with an average of 35.9.<sup>16</sup> When considered with the team's average of 27.9 shots per game, which ranked 25<sup>th</sup> in the NHL, it becomes clear that the Maple Leafs did have a good puck possession ratio.<sup>17</sup> In fact, this lack of possession can explain why Mr. Franson recorded many blocked shots (111) and hits (282) in his Platform Year.<sup>18</sup>

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<sup>11</sup><http://www.nhl.com/ice/playerstats.htm?fetchKey=20142ALLDADALL&viewName=summary&sort=plusMinus&pg=10>

<sup>12</sup> Franson Stats, nhl.com, *supra* note 3.

<sup>13</sup> Franson Splits, nhl.com *supra* note 2.

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

<sup>15</sup> Team Stats 2013-2014, nhl.com, *supra* note 4.

<sup>16</sup> *Ibid.*

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

<sup>18</sup> Franson Splits, nhl.com *supra* note 2.

### **C. Falling Down the Depth Chart**

[8] At first glance, Mr. Franson's career highs in ice-time and points during the 2013-2014 season seems to suggest a progression in his performance. However, when examined more closely, it becomes clear that his performance regressed dramatically within the season itself. Indeed, Mr. Franson started the season as a top-four defenseman for the Maple Leafs but finished it in a depth role as a top-six defenseman.

[9] When broken down by month, Mr. Franson's average ice-time per game is as follows: 21:11 in October, 20:41 in November, 22:22 in December, 21:54 in January, 17:45 in February, 19:53 in March, and 17:04 in April.<sup>19</sup> It is significant that Mr. Franson's average ice-time dropped to below 20 minutes beginning in February, when the stakes became higher. In fact, in his last 25 games of 2013-2014, he played less than 20 minutes on 17 occasions.<sup>20</sup> Additionally, 16 of his 18 power play points were recorded before February.<sup>21</sup> From January 2014 onward, Mr. Franson recorded only 13 points and was minus-18.<sup>22</sup>

[10] Two factors can partly explain this decrease in ice-time. First, as Mr. Franson's defensive shortcomings became more apparent, the coaching staff lost confidence in his ability to play increased even strength minutes. Second, other more prolific players started to claim his share of ice-time, most notably with the emergence young defensemen Jake Gardiner and Morgan Rielly, as well as Carl Gunnarsson.

### **D. Lack of Contribution to Team Success**

[11] In his time as a Maple Leafs, Cody Franson has not contributed in any meaningful way to team success. In those three seasons, he helped the team reach the playoffs only once, that being

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<sup>19</sup> *Ibid.*

<sup>20</sup> <http://www.nhl.com/ice/player.htm?id=8471742&season=20132014&view=log> [Franson Game Log, nhl.com].

<sup>21</sup> *Ibid.*

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

the shortened 2012-2013 season. In his Platform year, when the Maple Leafs were once again falling off the proverbial cliff in the last 25 games of the season, Mr. Franson's production was dwindling as he became less effective in all situations when the team needed him the most. Even Mr. Franson's power play production dwindled as the team was vying for a berth in the post season. As a result, his ice-time was reduced late in the season, as previously mentioned.<sup>23</sup>

[12] Furthermore, in his Platform Year, Mr. Franson was a cornerstone of the league's 3<sup>rd</sup> worst penalty killing team.<sup>24</sup> He was also a fixture for a team ranked 22<sup>nd</sup> in even strength goals for and against differential (0.92), 26<sup>th</sup> in goals against per game (3.07), 22<sup>nd</sup> in the NHL (38-36-8).<sup>25</sup> Therefore, it cannot be said that Mr. Franson contributed to team success.

[13] In addition, Mr. Franson averaged more ice-time in losses (20:57) than in wins (20:23).<sup>26</sup> However, he collected more points in wins (25) than in losses (8).<sup>27</sup> The fact that most of his points are assists is significant. It demonstrates that Mr. Franson simply takes advantage of his teammates' scoring prowess but that he cannot create those scoring chances himself. Unlike *bona fide* impact players, Mr. Franson is dependant on those around him to be successful.

[14] While Mr. Franson remains a viable top-six depth defenseman with some offensive upside, his important defensive deficiencies, along with his lack of contribution to team success when it matters most, are causes for concern for the organization.

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<sup>23</sup> *Ibid.*

<sup>24</sup> Team Stats 2013-2014, nhl.com, *supra* note 4.

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

<sup>26</sup> Franson Splits, nhl.com *supra* note 2.

<sup>27</sup> *Ibid.*

### III. VALID COMPARABLE PLAYERS

#### A. Chris Tanev – Vancouver Canucks<sup>28</sup>

	GP	G	A	P	+/-	PIM	Hits	BkS	GvA	PP-TOI	SH-TOI	TOI
Platform	79	5	28	33	-20	30	282	111	68	2:54	1:38	20:41
Career	322	28	105	133	8	106	644	328	214			

[15] On July 5, 2014, the Vancouver Canucks re-signed Chris Tanev to a one-year contract worth \$2M.<sup>29</sup> It is true that both players were deployed differently by their respective non-playoff teams. However, the Toronto Maple Leafs submit that Mr. Tanev's contract is a good starting point to illustrate fair compensation for a quality defenseman.

[16] While Mr. Franson's Platform Year statistics are superior to those of Mr. Tanev, it is important to consider that Mr. Franson collected 18 (55%) of his points on the power play, where he averaged 2:54 per game.<sup>30</sup> Conversely, Mr. Tanev only averaged 0:12 of power play time per game.<sup>31</sup> Despite this discrepancy in power play time, Mr. Tanev accumulated more even strength points (16) than Mr. Franson (15).<sup>32</sup> It is therefore possible to conclude that both players are of similar offensive capabilities but that Mr. Franson benefited from increased power play time.

[17] Mr. Tanev has also demonstrated much better defensive abilities than Mr. Franson. No statistic is more revealing than the plus/minus rating. While both players averaged very similar time on ice per game over the 2013-2014 season, Mr. Tanev accumulated a plus-12 rating while Mr. Franson had a minus-20 rating.<sup>33</sup> This is particularly significant when considering that Mr. Tanev (17:31) played on average over a minute more than Mr. Franson (16:08) when five on

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<sup>28</sup> <http://www.nhl.com/ice/player.htm?id=8475690&view=splits> [Tanev Splits, nhl.com]

<sup>29</sup> <http://canucks.nhl.com/club/news.htm?id=725494>; <http://capgeek.com/player/1775>.

<sup>30</sup> Franson Splits, *supra* note 2.

<sup>31</sup> Tanev Splits, nhl.com, *supra* note 28.

<sup>32</sup> *Ibid*; Franson Splits, *supra* note 2.

<sup>33</sup> *Ibid*.



five.<sup>34</sup> Furthermore, over their respective career, Mr. Tanev has a plus-26 rating compared to Mr. Franson’s plus-8 (which includes his two seasons playing sheltered years playing in Nashville).<sup>35</sup>

[18] In addition, Mr. Tanev was a fixture on Vancouver’s penalty killing, which ranked 9<sup>th</sup> in the NHL, playing an average of 3 minutes per game with a man down.<sup>36</sup> He also blocked 136 shots despite the fact that Vancouver ranked 7<sup>th</sup> in shot against per game. This is in stark contrast to Mr. Franson, who played 1:38 on the 28<sup>th</sup> ranked penalty killing and blocked 111 shots on the team, which allowed the most shot against per game in the league.<sup>37</sup> All of these statistics strongly favour Mr. Tanev as the more defensively reliable and well-rounded defenseman.

**B. Jason Demers – San Jose Sharks<sup>38</sup>**

	GP	G	A	P	+/-	PIM	Hits	BkS	GvA	PP-TOI	SH-TOI	TOI
Platform	75	5	29	34	14	30	69	107	69	1:55	1:25	19:29
Career	280	16	79	95	26	111	290	301	220			

[19] On July 16, 2014, the San Jose Sharks and Jason Demers agreed to a two-year contract with an annual average value (“AAV”) of \$3.4M.<sup>39</sup> However, the contract is structured so that Mr. Demers’ actual NHL salary is \$3.15M in 2014-2015 and \$3.65M in 2015-2016.<sup>40</sup> In this case, it is significant that Mr. Demers’ contract term is eating up one year of his unrestricted free agent (“UFA”) eligibility, which comes at a premium.<sup>41</sup> The Toronto Maple Leafs respectfully submit that Mr. Franson is entitled to an award below both of Mr. Demers’ AAV and his actual NHL salary for 2014-2015 of \$3.15M.

[20] Both players share many similar statistical traits and attributes. For one, they were

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> Team Stats 2013-2014, nhl.com, *supra* note 4 ; Tanev Splits, nhl.com, *supra* note 28.

<sup>37</sup> *Ibid.*

<sup>38</sup> <http://www.nhl.com/ice/player.htm?id=8474218&view=splits> [Demers Splits, nhl.com].

<sup>39</sup> <http://www.nhl.com/ice/news.htm?id=724642#&navid=nhl-search>.

<sup>40</sup> <http://capgeek.com/player/155>.

<sup>41</sup> *Ibid.*

similarly deployed by their respective teams, playing in all situations in their Platform Year. Mr. Demers collected one more point (34) than Mr. Franson (33), despite playing four less games, averaging a minute less of power play time and registering less shots on goal.<sup>42</sup> Furthermore, when playing at even strength Mr. Demers accumulated 24 points, compared to 15 by Mr. Franson, which is significant since both players averaged exactly the same amount of playing time per game (16:08).<sup>43</sup> This clearly indicates that Mr. Demers is the more effective player.

[21] Likewise, Mr. Demers' plus-14 rating is vastly superior to Mr. Franson's minus-20, which demonstrates his valuable contribution to team success.<sup>44</sup> Furthermore, Mr. Demers has helped the Sharks reach the playoffs in each of his five seasons in the NHL while playing significant minutes; something Mr. Franson has only been able to do once with the Maple Leafs.

[22] Additionally, while being much less physical than Mr. Franson over his career, Mr. Demers has demonstrated a strong ability to get in front of shots, blocking on average 1.1 shots per game whereas Mr. Franson has blocked 1 shot on average per game.<sup>45</sup> When spread out over their respective careers, the difference is noteworthy.

#### IV. CONCLUSION

[23] As stated previously, Mr. Franson remains a viable top-six depth defenseman with some offensive upside. However, his important defensive deficiencies, along with his lack of contribution to team success when it matters most, are causes for concern for the organization. When compared to valid comparable players, it is clear that Mr. Franson is entitled to an award below the \$3.3M midpoint salary. As such, the Toronto Maple Leafs respectfully submit that an award of \$3M for a one-year term would constitute just and fair compensation.

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<sup>42</sup> Demers Splits, nhl.com, *supra* note 38; Franson Splits, *supra* note 2.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*