

IN THE MATTER OF SALARY ARBITRATION BETWEEN:

DERICK BRASSARD

-AND-

THE NEW YORK RANGERS

BRIEF ON BEHALF OF THE PLAYER DERICK BRASSARD

TEAM 3

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INTRODUCTION AND OVERVIEW

The purpose of this brief is to analyze the past performance and contributions of center Derick Brassard (the “Player” or “Mr. Brassard”) of the New York Rangers (the “Club” or the “Rangers”) pursuant to section 12.9 (g)(ii) of the 2013 Collective Bargaining Agreement¹ (“CBA”) between the National Hockey League (“the NHL”) and the National Hockey League’s Players Association (the “NHLPA”). Mr. Brassard was drafted in the 1st round by the Columbus Blue Jackets (6th overall) in the 2006 Entry Draft and was acquired by the Rangers on April 3rd, 2013.

This brief will evaluate the seven permissible categories of evidence and, in doing so, the aim is to demonstrate that Mr. Brassard is entitled to a salary above the \$5 million midpoint salary figure. It is respectfully submitted that Mr. Brassard is entitled a salary arbitration award of \$5.1 million.

1. Overall Performance, Offensively and Defensively, in Previous Season or Seasons

Mr. Brassard’s performance over his career thus far has been consistent with that expected of a young offensive forward. After spending part of his first professional season (2007-2008) in the American Hockey League (“AHL”), where he was an AHL All-Star, and playing 17 games in the NHL, Mr. Brassard earned a permanent spot on the Columbus Blue Jackets during the 2008-2009 NHL season.² In his first NHL season, Mr. Brassard won NHL Rookie of the Month in October 2008. When his first NHL season (2008-2009) was cut short, due to a dislocated shoulder, he was tied with Kris Versteeg for points (25 in 31 games) and was in consideration for the Calder Trophy.³

¹ <http://www.nhlpa.com/inside-nhlpa/collective-bargaining-agreement>

² <http://www.nhl.com/ice/player.htm?id=8473544>

³ *Ibid.*

Since then Mr. Brassard has developed a consistent and strong offensive game. He has eclipsed the 40 point mark four times (including a pro-rated amount for the lockout shortened season of 2012-2013).⁴ In addition, Mr. Brassard has scored 10 or more goals in 5 of his 6 complete NHL seasons.⁵ Since becoming a regular in the NHL in 2008-2009, Brassard has contributed at an average of .60 points per game (PPG).⁶

Mr. Brassard has shown the ability to play well under two different types of coaches; a defensive minded coach in John Tortorella and an offensive minded coach in Alain Vigneault. While the Club may cite Mr. Brassard's career – 37 to argue that Mr. Brassard is a poor defensive player, the argument falters simply because plus/minus is a team statistic.⁷ The Columbus Blue Jackets were one of the worst teams in terms of goal differential from 2007-2012. They finished 20th, 18th, 26th, 26th and in 2011 were the worst team in the league.⁸ When they finished 18th, the highest in Mr. Brassard's time with the team, he finished the season with a + 12 rating.⁹ Mr. Brassard has been a positive player, in the regular season and the postseason, since joining the Rangers, a much better team in terms of goal differential. Mr. Brassard has never had a season with a negative giveaway to takeaway ratio. Furthermore, Mr. Brassard registered 124 hits last season ranking him 79th amongst all NHL forwards and in the previous three seasons, he was ranked 70th, 56th, and 86th respectively.¹⁰

2. Number of Games Played by the Player

With the exception of his first full NHL season (cut short by a freak injury) and the season in which he split duties in the NHL and AHL, Mr. Brassard has consistently played 90%

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ <http://www.sportingcharts.com/nhl/stats/team-goal-differential>

⁹ *Supra* note 2.

¹⁰ *Ibid.*

or more of his teams regular season games. One of Mr. Brassard's greatest strengths is his durability. Since his injury in 2008-2009, Mr. Brassard has played in 355 out of a possible 376 games, for a rate of 94.4 percent.¹¹ The dislocated shoulder injury has not been a reoccurring problem and he has never been suspended by the NHL. In his platform season, Mr. Brassard missed one game and was a valuable contributor day-in and day-out to a competitive New York Rangers club.

3. The Length of Service of Player to the NHL and to the Club

Mr. Brassard has spent parts of 8 seasons in the NHL; 6 seasons with the team that drafted him, the Columbus Blue Jackets, and 2 with the New York Rangers. Brassard was traded by the Columbus Blue Jackets, along with Derek Dorsett, John Moore and a 2014 6th round pick for Marian Gaborik, Blake Parlett and Steve Deslisle.¹² Mr. Brassard has been a New York Ranger since 2012, however, during the lockout shortened season he also played with EC Red Bull Salzburg in the Austrian Hockey League.¹³

4. Contribution of the Player to Success or Failure of his Club in Preceding Season

The Rangers finished the 2013-2014 regular season with a record of 45-31-6; 45 wins, 31 losses and 6 overtime losses.¹⁴ They accumulated 96 points which placed them 5th in the Eastern Conference and 12th in the league. Mr. Brassard's performance during the 2013-2014 regular season is a reliable indicator of his development into a dependable offensive forward. After compiling 29 points in 47 games (.61 ppg) in the lockout shortened season, Mr. Brassard collected 45 points in 81 games (.55 ppg).¹⁵ Amongst his teammates in 2013-2014, he ranked fifth in goals and sixth in assists while ranking 12th in average time on ice.¹⁶ He ranked third for

¹¹ *Ibid.*

¹² <http://www.nhl.com/ice/player.htm?id=8473544&view=notes>

¹³ *Ibid.*

¹⁴ <http://www.nhl.com/ice/standings.htm?season=20132014&type=DIV>

¹⁵ *Supra* note 2.

¹⁶ *Ibid.*

game winning goals. Mr. Brassard was tied for second in power-play goals with Benoit Pouliot (7) and power-play points with Mats Zuccarello (16) just behind Martin St. Louis.

In 2013-2014, the Rangers made it all the way to the Stanley Cup finals falling three games short of winning the NHL's most coveted prize. The recent playoff success is due, in large part, to Mr. Brassard's performance in the playoffs. He has been a revelation in the playoffs – registering 24 points in 35 games (.69 ppg) since joining the club.¹⁷ In 2013-2014, Mr. Brassard had the same amount of playoff points as Brad Richards and more points than Rick Nash.¹⁸ Both players got over a minute more ice time than him per game and played on the Rangers first line.

5. Comparable Players and Salaries

I. Bryan Little

Bryan Little's platform year came during the lockout shortened 2012-2013 season where he played with the Winnipeg Jets. On July 22nd, 2013, Mr. Little signed a five year deal \$23.5 million dollar contract for an annual average of \$4.7 million.¹⁹ The deal will pay Mr. Little \$4 million in the first year, \$4.75 in year two and three, and \$5 million in year four and five.²⁰

The points per game ratio of Mr. Brassard and Mr. Little's career are comparable (.558 to .562).²¹ In his platform and career year, Mr. Little registered 32 points in 48 games, for a point per game ratio of .67, which is higher than that of Mr. Brassard's platform year. This can be attributed to Mr. Little being given first line center duties and significantly more ice time on a depleted Jets roster. He centered a line that had high-end wingers in Blake Wheeler and Andrew

¹⁷ *Ibid.*

¹⁸ <http://rangers.nhl.com/club/stats.htm?gameType=3&season=20132014>

¹⁹ <http://www.capgeek.com/player/342>

²⁰ *Ibid.*

²¹ <http://www.nhl.com/ice/player.htm?id=8473412>

Ladd and played 19:47 a game.²² Mr. Brassard, in his platform year, averaged four fewer minutes per game (15:47). Given four extra minutes, the Player would have undoubtedly moved up from .55 to .67. This is evidenced by their respective power-play times. Mr. Little's played an average of 2:32 on the power-play per game and recorded 2 goals (pro-rated to 81 game season – 3.4) and 3 assists (pro-rated to approximately 5). This pales in comparison to the numbers Mr. Brassard put up in similar power play time (2:31 per game). Mr. Brassard put up 7 goals and 11 assists.²³ His power-play point percentage was approximately 25 percent higher than Mr. Little.

Even with less ice time, Mr. Brassard produced more shots on net than Mr. Little. Mr. Little's 84 shots (pro-rated to 141.75) are significantly lower than the 159 directed at the net by Mr. Brassard.²⁴ This can explain the goal outputs where Mr. Brassard scored 6 more goals than Mr. Little would have over the course of an 81 game seasons. Mr. Brassard also brings an edge to his game that Mr. Little lacks. Mr. Brassard's 134 hits over the course of the NHL season almost triple the pro-rated 54 that Mr. Little was on pace for over a complete season.²⁵ In fact, in his platform season Mr. Little finished 258th amongst forwards in hits as compared to Mr. Brassard's 79th.

Mr. Brassard has been in the playoffs in both his seasons with the Rangers and has the most playoff points of any Ranger over the last two seasons. To contrast, Mr. Little has not yet guided the Jets to the playoffs. In fact, Mr. Little has not been in the playoffs in any of his seven NHL seasons.²⁶ Even in his career year in 2012-2013, the Winnipeg Jets sat in 9th place and did not make the playoffs.²⁷

²² <http://www.nhl.com/ice/player.htm?id=8473412&view=splits&season=20122013&gameType=2>

²³ <http://www.nhl.com/ice/player.htm?id=8473544&view=splits&season=20132014&gameType=2>

²⁴ *Supra* note 22.

²⁵ *Ibid*; *Supra* note 23.

²⁶ *Supra* note 21.

²⁷ <http://www.nhl.com/ice/standings.htm?season=20122013&type=DIV>

Though the number of games played by Mr. Little and Mr. Brassard are comparable, 403 and 402, Mr. Little's career points per game stats are significantly skewed by his playing time and his role on the first line of the Winnipeg Jets during his platform season. The players are distinguished by several factors. First, Brassard has been able to get substantially more shots through with significantly less ice-time (4 minutes). Second, Brassard plays a grittier style of hockey as evidenced by the substantial margin in hits between the two players. Third and most importantly, Brassard has shown that he is able to show up in the important games and lead his team in the playoffs. These factors are enough to set him well above of Mr. Little's annual average of \$ 4.7 million. We respectfully submit Mr. Brassard be awarded a salary of \$ 5.1 million.

II. Tyler Ennis

Mr. Ennis' platform year came during the 2013-2014 season where he played with the Buffalo Sabres. On July 17th, 2014, Mr. Ennis signed a five year deal \$23 million dollar contract for an annual average of \$4.6 million.²⁸ The deal will pay Mr. Ennis \$7.3 million in the first year, \$4.75 in year two, and \$3.65 million in year three, four and five.²⁹

In his platform year, Mr. Ennis registered 43 points in 80 games (.54 ppg) which is very close to Mr. Brassard's (.55).³⁰ Though Mr. Ennis registered more shots on net than Mr. Brassard in the 2013-2014 season, his shooting percent was 1.3 percent lower (10.0 to 11.3).³¹ Mr. Ennis' point-per game number ratio is disappointing for three reasons. First, Mr. Ennis averaged over three more minutes than Mr. Brassard during the 2013-2014 season (18:51 to 15:47).³² Second, because Mr. Ennis got substantially more power play time per game than Mr.

²⁸ <http://www.capegeek.com/player/1572>

²⁹ *Ibid.*

³⁰ <http://www.nhl.com/ice/player.htm?id=8474589>

³¹ *Ibid.*

³² <http://www.nhl.com/ice/player.htm?id=8474589&view=splits&season=20132014&gameType=2>

Brassard (3:15 to 2:31).³³ Third, Mr. Ennis was given a first line role and had comparable numbers to Mr. Brassard who was alternating between the 2nd and 3rd line. There is no question that if Mr. Brassard was given this same amount of playing time, his points per game would increase substantially.

Like Mr. Brassard, Mr. Ennis established career highs in goals and power-play goals. However, unlike Mr. Brassard, Mr. Ennis was never able to lead his team to wins. Mr. Brassard registered 4 game winning goals over the course of the season whereas Mr. Ennis registered 0. Furthermore, Mr. Brassard's longest point streak extended from January 26, 2014 to March 1, 2014, an eight game stretch that dramatically increased the Rangers postseason chances. The Rangers won six of those eight games and Mr. Brassard contributed 10 points; 5 goals and 5 assists.³⁴ Mr. Ennis, on the other hand, on his longest point streak did not fare as well. The Buffalo Sabres went 1-5 on Mr. Ennis' six game point streak where he contributed 7 points; 3 goals and 4 assists.³⁵ These numbers are indicative of Mr. Brassard's ability to lift his team.

Mr. Brassard's game also encompasses a dynamic that is missing from Mr. Ennis' game. Mr. Ennis is an undersized, one-dimensional center man who was outshot 124-89 by the Player in his platform year.³⁶ He was also abysmal on the faceoff circle at 38.7% compared to Mr. Brassard's 48%.³⁷ In fact, Mr. Ennis best faceoff year of his career (2011-2012), where he won 45.9% of the draws, is close to Mr. Brassard's career average of 45%. Though much of it can be attributed to his team being the worst in terms of goal and shot differential, Mr. Ennis went - 25 in comparison to Mr. Brassard's + 2 platform season.³⁸

³³ *Ibid.*

³⁴ *Supra* note 23.

³⁵ *Supra* note 32.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

In his platform year, Mr. Ennis did not lead the Buffalo Sabres to the playoffs. In fact, in his five seasons with the Sabres, they have only made the playoffs twice. In both years, the Sabres exited early in the Conference Quarterfinals. Ennis contributed 5 points in 13 games (.38ppg). In contrast, in both years the Mr. Brassard has been a Ranger, they have made it past the first round and he has been a leader on the ice as evidenced by his 24 points in 35 games (.68ppg).

Similar to Mr. Brassard, Ennis had one season shortened due to an ankle injury which put him on the injured reserve. The above analysis indicates that Mr. Brassard is statistically better in almost all facets of the game and, as such, he should be entitled to an award that is significantly higher than Mr. Ennis' average of \$4.6 million. We respectfully submit that Mr. Brassard be awarded a salary of \$5.1 million dollars.

CONCLUSION

Mr. Brassard is an important piece of the New York Rangers moving forward. He is coming off career highs in games played, goals, game-winning goals, power-play goals, power-play assists, and power-points and tied his career-long 8 game point streak (which was the longest held by a Ranger this year).³⁹ He contributes on both sides of the ice, as indicated by his plus rating and his high number of checks, and has lead the Rangers in points over the last two years in the Stanley Cup Playoffs. Mr. Brassard is in the prime of his career and cannot be replaced by anyone in the Rangers system. He is likely to see an increase in his numbers and minutes, as he is only behind Derek Stepan on the depth chart, due to the buyout of Brad Richards contract. As such, we submit to the panel that Mr. Brassard be awarded a salary of \$5.1 million dollars.

³⁹ *Supra* note 12.