

IN THE MATTER OF SALARY ARBITRATION BETWEEN:

CODY FRANSON

-AND-

THE TORONTO MAPLE LEAFS

BRIEF ON BEHALF OF THE PLAYER CODY FRANSON

TEAM 3

TABLE OF CONTENTS

INTRODUCTION AND OVERVIEW	3
Overall Performance.....	3
Number of Games Played by the Player.....	4
The Length of Service of Player to the NHL and to the Club.....	5
Contribution of Player to Success or Failure.....	5
Special Qualities of Public Appeal.....	7
Comparable Players and Salaries.....	7
CONCLUSION.....	10

INTRODUCTION AND OVERVIEW

The purpose of this brief is to analyze the past performance and contributions of defencemen Cody Franson (the “Player” or “Mr. Franson”) of the Toronto Maple Leafs (the “Club” or the “Maple Leafs”) 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. Franson was drafted in the 3rd round by the Nashville Predators (79th overall) in the 2005 NHL Entry Draft and was acquired by the Maple Leafs on July 3rd, 2011.

This brief will evaluate the seven permissible categories of evidence according to the CBA and, in doing so, the aim is to demonstrate that Mr. Franson is entitled to a salary above the \$3.3 million midpoint figure. It is respectfully submitted that Mr. Franson is entitled to a salary of \$3.8 million.

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

Mr. Franson is often regarded as an offensive defenceman or a power-play specialist, but he is much more than that; Mr. Franson is used on all sides of the ice. Offensively, Mr. Franson has contributed at a pace of .41 points per game over the course of his NHL career.² His career high in points per game (PPG) came in the lockout-shortened season in 2012-2013 where he had 4 goals, 25 assists and 29 points in 45 games, for a PPG average of .64.³ In that same season Mr. Franson helped the Toronto Maple Leafs end a nine-year playoff drought leading the defence

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

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

³ *Ibid.*

corps in points in both the regular season and the playoffs, where he registered 6 points in 7 games.⁴

His roles both defensively and offensively have been constantly increased since joining the Maple Leafs. His average ice time per game increased from 16:11 in the 2011-2012 season to 18:47 in 2012-2013 and 20:41 in 2013-2014.⁵ Similarly, his average ice time on the power-play per game has increased from 1:31 in 2011-2012 to 2:49 in both 2012-13 and 2013-2014.⁶ This 2013-2014 total ranked 2nd only to Dion Phaneuf amongst the Maple Leafs blue liners.⁷ Mr. Franson embraced the tough type of defensive hockey that head coach Randy Carlyle preaches. The player singlehandedly increased the Maple Leafs physical presence placing 2nd in the NHL and 1st on the Maple Leafs in hits and was 3rd amongst Maple Leafs defenceman in blocked shots.⁸ Mr. Franson also led all Toronto players with 50 takeaways, 11 ahead of the 2nd highest blueliner Paul Ranger and 18 ahead of Dion Phaneuf.⁹

2. Number of Games Played by the Player

Mr. Franson has played 322 games over the past 5 seasons.¹⁰ Throughout his NHL career, Mr. Franson has only had one injury which resulted in him missing extended time; a rib injury in 2009-2010 which resulted in him missing 9 games. The Player missed two games for personal reasons in 2010-2011 and in 2011-2012 was a healthy scratch for multiple games due to a crowded blue line upon joining the Club. He only missed two games in 2011-2012 due to injury. In 2012-2013, he only missed 3 games and in his platform season (2013-2014), Mr. Franson

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

played in 79 games only missing three games due to injury (1 with flu, 2 with lower body). The Player has been a valuable contributor for the Club and has played in 95% of the games in the past two seasons.¹¹

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

Mr. Franson has spent 5 seasons in the NHL; 2 with the team that drafted him, the Nashville Predators, and 3 with the Toronto Maple Leafs. Mr. Franson was traded by the Nashville Predators, along with Matthew Lombardi, on July 3, 2011 for Robert Slaney, Brett Lebda and Toronto's 4th round choice (which was later traded to St. Louis who selected Zachary Pochiro).¹² Mr. Franson has remained with the Maple Leafs since 2011, but also played with Brynas IF Gavle in the top tier league in Sweden during the 2012-2013 NHL lockout.¹³

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

The Maple Leafs finished with 2013-2014 regular season with a record of 38-36-8; 38 wins, 36 losses and 8 overtime losses.¹⁴ The Club was headed to their second consecutive playoff appearance until they went 2-12-0 in the final 14 games. The Maple Leafs losses were a result of a much maligned defensive system. They were routinely outshot and did not provide consistent efforts as a group.

The Toronto Maple Leafs were the worst team in the NHL in shots against per game at an average of 35.9.¹⁵ The high number of shots the Club gave up, combined with the few shots they recorded on offence (ranked 25th in the NHL), are an indication of the team's lack of puck

¹¹ *Ibid.*

¹² <http://www.nhl.com/ice/player.htm?id=8471742&view=notes>

¹³ *Ibid.*

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

¹⁵ <http://www.nhl.com/ice/teamstats.htm?season=20132014&gameType=2&viewName=summary#>

possession during the game. Maple Leafs had the 2nd worst shot differential in the NHL at -655, a staggering 167 more shots than 3rd worst Edmonton.¹⁶ In fact, the Maple Leafs shot differential per game of -8 was the 10th worst since 1990. The team's lack of puck possession skews another measure of defensive aptitude: the plus/minus rating. Last season, Mr. Franson was a -20.¹⁷ This number is distorted for multiple reasons. First, the Player is trusted more by his coaching staff in the waning moments of the game and is pressed in offensive situations when the team is more likely to take risks. Indeed, one of the biggest flaws with plus/minus is that an empty net goal against is counted as a minus. The Maple Leafs had the 6th worst goal differential in the league at -30 and only three regular fixtures on the everyday roster were plus players (Dion Phaneuf, Tyler Bozak, and Carl Gunnarsson).¹⁸ The plus-minus is merely an indication of the failure of the overall defensive scheme the Maple Leafs employed. That being said, Cody Franson had a + 3 rating playing against the top 9 teams in the NHL standings.¹⁹

The 5 on 5 systems were not the only ones failing. The penalty kill fell from 2nd in the NHL back to where it was in 2011-2012, 28th.²⁰ It did this by employing the same unit – as Carl Gunnarsson and Dion Phaneuf led the charge. Unfortunately, the Maple Leafs goaltenders were unable to match the historic goaltending .924 save percentage from the year before. Even with a .914, which was good enough for 9th best in the NHL the tandem could not stop the puck from going in.²¹ The dramatic improvement in 2012-2013 in the penalty kill was a result of prodigious goaltending rather than a functional system. Indeed, upon arrival to the Maple Leafs

¹⁶ <http://www.sportingcharts.com/nhl/stats/team-shot-differential/2013/>

¹⁷ *Supra* note 2.

¹⁸ <http://www.sportingcharts.com/nhl/stats/team-goal-differential/2013/>

¹⁹ <http://www.nhl.com/ice/player.htm?id=8471742&view=splits>

²⁰ <http://www.nhl.com/ice/teamstats.htm?fetchKey=20142ALLSAAALL&sort=penaltyKillPercentage&viewName=penaltyKill>

²¹ http://espn.go.com/nhl/statistics/team/_/stat/scoring/sort/savePct

newly anointed President of Hockey operations Brendan Shanahan admitted that the system needs to be modified to be more effective.

Mr. Franson contributed to the Maple Leafs best achievement of the 2013-2014 season, the 5th ranked power play that had a success rate of 19.8%.²² Mr. Franson lead the defence in power-play points (PPP) and of his 18 PPP's, 12 were registered against teams that made the playoffs.²³ He has an uncanny ability to get shots through which is essential to the Leafs especially given the offensive decline of Dion Phaneuf.

5. Special Qualities of Public Appeal

Mr. Franson is involved in the "Sicamous Shootout Golf Tournament", an event he co-hosts with Nashville Predators captain Shea Weber. The event is in its third year and aims to help British Columbians that will be diagnosed with cancer this year.²⁴

6. Comparable Players and Salaries

I. Jason Demers

Jason Demer's platform year came during the 2013-2014 season where he played with the San Jose Sharks. On July 16th, 2014, Mr. Demers signed a two-year deal worth \$6.8 million dollars for an annual average of \$3.4 million.²⁵ Mr. Demers will be paid \$3.15 million in the first year of the deal and \$3.65 million in the second year.²⁶ In his platform year, Mr. Demers played 75 games and registered 34 points²⁷ whereas Mr. Franson played 79 games and registered

²² <http://www.nhl.com/ice/teamstats.htm?season=20132014&gameType=2&viewName=powerPlay>

²³ *Supra* note 18.

²⁴ <http://www.sicamousshootout.com/>

²⁵ <http://www.capegeek.com/player/155>

²⁶ *Ibid.*

²⁷ <http://www.nhl.com/ice/player.htm?id=8474218>

33 points.²⁸ While his point per game ratio of .46 was slightly higher than Mr. Franson's .41, his statistical output was an outlier; as can be seen from his PPG% of .14 during the 2012-2013 NHL season.²⁹ In that season, Mr. Franson's PPG% was .64.³⁰ Career number also indicate that Mr. Franson is the more offensively talented defenceman as his career PPG% of .41 is substantially higher than Mr. Demers's .34.³¹

Mr. Franson is also trusted more by his coaching staff in key situations. He is front and center on the Maple Leafs power play that ranked 5th in the NHL in 2013-2014. To contrast, Mr. Demers played under a minute less on the 20th ranked San Jose Sharks power play. Demers also saw the ice less than Mr. Franson when shorthanded (1:38 vs 1:25). Mr. Franson's game is not only better on special teams but he is statistically better in the majority of categories attributed to defensive defenceman.

Mr. Franson plays a punishing brand of hockey and outhit Mr. Demers by 175.³² This is an astronomical number given that Mr. Demers only registered 69 hits in 75 games. Mr. Franson was also trusted to play over a minute more per game as indicated by their respective TOI/g averages of 20:41 and 19:29.³³ Mr. Demers had 40 takeaways to go along with his 69 giveaways³⁴. His takeaway to giveaway ratio was significantly lower than Mr. Franson's .73.³⁵

Mr. Demers has also missed multiple games with various injuries in the past two seasons, highlighted by the 15 games lost to various injuries in the short 2012-2013 season. Mr. Franson,

²⁸ *Supra* note 2.

²⁹ *Supra* note 26.

³⁰ *Supra* note 2.

³¹ *Ibid*; *Supra* note 26.

³² *Supra* note 2.

³³ *Ibid*.

³⁴ <http://www.nhl.com/ice/player.htm?id=8474218&view=splits&season=20132014&gameType=2>

³⁵ *Supra* note 18.

on the other hand, has only missed 5 games due to injury since joining the Maple Leafs. Mr. Demers signed his contract after he had played a total of 280 NHL games.³⁶ He is less experienced than Mr. Franson (322 games). Mr. Demers is only more experienced in the NHL playoffs but that is not necessarily a good thing. His playoff numbers are horrible as he is a -6 and has a playoff PPG% of .23 which is not even half of Mr. Franson's .56.³⁷

Based on Mr. Franson's length of service, playoff performance and overall consistency both offensively and defensively, it is clear that Mr. Franson's award must be substantially higher than the contract signed by Mr. Demers. We respectfully submit that since Mr. Franson has been a better player overall, that he should be awarded a greater salary.

II. Roman Josi

On June 6, 2013, Roman Josi signed a seven-year deal with the Nashville Predators worth \$28 million for an annual average of \$4 million.³⁸ His contract will pay him the following in millions in the seven respective years: 2.5, 3, 4, 4.25, 5, 5.25, and 4.³⁹ At the time Mr. Josi signed this contract, he had played a total of 100 NHL games which pales in comparison to Mr. Franson's 322 NHL games.⁴⁰ Prior to signing the contract, Mr. Josi had .34 PPG in his career as compared to Mr. Franson's .41.⁴¹

Mr. Josi played on a pairing with Shea Weber, a premier defensive, who has been in top three for the James Norris Memorial trophy three times in the last four years and was given all the opportunity to have a great season statistically in 2012-2013. In his platform season, Mr. Josi's

³⁶ *Supra* note 26.

³⁷ *Ibid.*

³⁸ <http://www.capegeek.com/player/1766>

³⁹ *Ibid.*

⁴⁰ <http://www.nhl.com/ice/player.htm?id=8474600>

⁴¹ *Ibid.*

average ice-time per game of 23:31 was significantly higher than Mr. Franson's 20:41.⁴² While these numbers look flattering at first, the statistics indicate that Mr. Franson made more happen with his limited ice-time. Josi's PPG% of .38 was lower than Mr. Franson's .41.

The statistics also indicate that Mr. Josi was statistically worse defensively. Playing by a perennial Norris trophy candidate, he was -7. Mr. Franson would have out-hit Mr. Josi by a pro-rated 232 hits and would have had a takeaway ratio significantly higher than Mr. Josi (.73 to .32).⁴³ Mr. Josi and the Player's playoff numbers are indicative of this gap in talent. Mr. Josi has played in 10 playoff career games as compared to Mr. Franson's 23. Mr. Franson's 13 points in 23 playoff games, .56 playoff PPG%, indicates that he can step up his game when the pressure is on.⁴⁴ Conversely, Mr. Josi's 0 points in 10 career playoff games shows the direct opposite.⁴⁵

Based on Mr. Franson's length of service, playoff performances, and overall superior offensive and defensive skillset, Mr. Franson's award must be on par with the contract Mr. Josi signed in 2012-2013.

CONCLUSION

Mr. Franson is a core piece of the Maple Leafs defence corps. He leads the team in hits and is 2nd in the NHL in that category, he is also 2nd in power-play points on the team and third in blocked shots.⁴⁶ For the last three years, the Club has been able to consistently rely on him to play at a high level and at the age of 27, Mr. Franson is at the prime of his career. We respectfully submit to the panel that Mr. Franson be awarded a salary of \$3.7 million dollars.

⁴² *Ibid.*

⁴³ <http://www.nhl.com/ice/player.htm?id=8474600&view=splits&season=20122013&gameType=2>

⁴⁴ *Supra* note 2.

⁴⁵ *Supra* note 40.

⁴⁶ *Supra* note 11.