

IN THE MATTER OF SALARY ARBITRATION

BETWEEN:

CODY FRANSON

(“THE PLAYER”)

-AND-

THE TORONTO MAPLE LEAFS

(“THE TEAM”)

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THE PLAYER’S BRIEF

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TEAM 18

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## **I. INTRODUCTION**

This is a matter of salary compensation arbitration between Cody Franson and the Toronto Maple Leafs pursuant to Article 12 of the 2014 Collective Bargaining Agreement between the National Hockey League and National Hockey League Players' Association. This brief will first provide a general overview of Mr. Franson as a player, and then analyze Mr. Franson's value in comparison with two other NHL defensemen: Jason Demers of the San Jose Sharks and Carl Gunnarsson of the St. Louis Blues. Mr. Franson is an important part of the Leafs organization, and his offensive production, defensive abilities, and versatility are all factors that add to his value and support an award above the \$3.3 million midpoint figure. After weighing the positives and negatives of a player of Mr. Franson's calibre, and comparing him to appropriate players, this brief will take the position that Mr. Franson is entitled to an award in the neighbourhood of \$3.5 million per season.

## **II. OVERVIEW**

After playing one full season with the Vancouver Giants of the Western Hockey League, Mr. Franson was taken 79<sup>th</sup> overall by the Nashville Predators in the third round of the 2005 NHL Entry Draft. He joined the Toronto Maple Leafs in July 2011, in a trade that sent him and Matthew Lombardi to Toronto in exchange for Brett Lebda and Robert Slaney.

Mr. Franson was the subject of multiple trade rumours during the summer of 2014, and would have been dealt to the Montreal Canadiens if not for Josh Gorges' refusal to waive his no-trade clause. However, the Player avoided a scheduled salary arbitration hearing with the Leafs organization,<sup>1</sup> pursuant to his right under Article 12.2 of the CBA, and signed a settlement agreement on July 21<sup>st</sup>, 2014.

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<sup>1</sup> [www.nhl.com/ice/news](http://www.nhl.com/ice/news)

## A. Offensive Production

Mr. Franson has become an increasingly valuable part of the Maple Leafs organization since he joined the club in 2011, a direct result of both the Leafs' growing confidence in him, and Mr. Franson's growing confidence in himself. Mr. Franson is a big, rangy defenseman who moves the puck well and possesses excellent offensive instincts. He has a heavy shot that he can get off in a hurry, and often finds himself quarterbacking the Leafs' power plays. His value to the Maple Leafs is best reflected in his time on ice per game, as his average has risen dramatically over the past three seasons, from 16:11 in 2011-2012, to 18:47 in 2012-2013, and finally to 20:41 in 2013-2014.<sup>2</sup> Also, Mr. Franson's power play time on ice per game has experienced a similar trend, going from 1:31 in 2011-2012, to 2:49 in 2012-2013, to 2:54 in 2013-2014.<sup>3</sup> Both 2013-2014 averages found Mr. Franson among the top three Leafs defensemen in each category.

Mr. Franson's offensive output has also experienced an upward trend since his arrival. In his first full season with the Leafs, Mr. Franson played in 57 games, tallying 5 goals and 16 assists to go along with 22 penalty minutes and a -1 rating.<sup>4</sup> In the lockout-shortened 2012-2013 season, Mr. Franson contributed 4 goals and 25 assists in 45 games, the highest among Leafs defensemen and good for 8<sup>th</sup> overall among NHL defensemen.<sup>5</sup> Emerging as a top-4 defenseman for the Leafs, Mr. Franson saw a significant amount of time per game on the power play, tallying 3 goals and 10 assists, and had only 8 penalty minutes to go along with a plus/minus rating of +4.<sup>6</sup> Finally, in 2013-2014, Mr. Franson put up 5 goals and 28 assists in 79 games, including 1 goal and 17 assists on the power play, and 30 penalty minutes.<sup>7</sup> He did see a significant drop in

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<sup>2</sup> [www.nhl.com/ice/playerstats](http://www.nhl.com/ice/playerstats)

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

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

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

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

his plus/minus, finishing at -20, but this can be attributed to his heightened workload against other teams' top lines, and his time spent on the ice in the last minutes of a game, in situations where the Leafs had the goalie pulled.<sup>8</sup>

In Mr. Franson's five seasons in the NHL, he has helped his team reach the playoffs three times. In his first playoff appearance, with the Nashville Predators in 2009-2010, Mr. Franson had a modest 1 assist in 4 games played, averaging only 9:02 of ice time to go with a plus-1 rating.<sup>9</sup> However, the next year, in which Nashville played 12 games in advancing to the second round, Mr. Franson averaged 15:19 of ice time, had an even plus/minus rating, and tallied 1 goal and 5 assists, tying Ryan Suter for the scoring lead among Predators defensemen.<sup>10</sup> In his third trip to the postseason, in 2012-2013, Mr. Franson was a key part of the Maple Leaf's near-victory in the first round against the Boston Bruins. Mr. Franson had an even plus/minus rating, averaged a staggering 22:49 of ice time, and tallied 3 goals and 3 assists in 7 games, good for first among Leafs defensemen, and one point behind the overall team leader. He also averaged 3:26 of power play time per game, and 1:42 of shorthanded time.<sup>11</sup> Mr. Franson has demonstrated a propensity to step up when games matter most, and has shown that he can have a big impact on team success.

Both the increase in playing time and the increase in offensive production over his regular season and playoff careers are clear indications that Mr. Franson has improved, and continues to improve, his game. Because of this, Mr. Franson submits that he is entitled to an award of \$3.5 million per year- significantly above the \$3.3 million midpoint figure.

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<sup>8</sup> *Ibid.*

<sup>9</sup> *Supra*, note 2.

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

<sup>11</sup> [www.nhl.com/ice/playersplits](http://www.nhl.com/ice/playersplits)

## **B. Defensive Abilities**

Mr. Franson's value as an NHL defenseman is also bolstered by his defensive capabilities. Mr. Franson plays a physical, sound defensive game, and is often on the ice for the Maple Leafs in important situations, like penalty kills, key defensive zone face-offs, and the closing minutes of games. In 2013-2014, he averaged 1:38 of penalty killing time, up from 54 seconds in 2013-2013.<sup>12</sup> His 282 hits in 2013-2014 were good for second place in the entire league, and his 111 blocked shots were third on the Maple Leafs. Mr. Franson uses his 6'5", 213-pound frame to the best of his ability, and rarely penalizes his team. In the lockout-shortened 2012-2013 season, Mr. Franson took only 4 minor penalties, the least among Leafs regulars on defense. His 15 minor penalties in 2013-2014 were the third least among Leafs defensemen, and good for 123<sup>rd</sup> among all NHL defensemen.<sup>13</sup> Mr. Franson plays an important defensive role for the Maple Leafs, and continues to improve in the areas that matter most. Therefore, Mr. Franson submits that he should be entitled to an award of \$3.5 million per year.

## **C. Versatility**

A third factor that should increase Mr. Franson's arbitration award is his versatility as an NHL defenseman. As demonstrated above, Mr. Franson does not fit the mold as a one-dimensional player. He is offensive yet also defensive, physical yet also well disciplined, and confident yet also smart with the puck. Mr. Franson plays in all situations for the Maple Leafs, and has shown a desire to get better every season. In the past two seasons, he has missed only six games total, a testament to his professionalism and willingness to treat his body well.<sup>14</sup> Mr. Franson is a consistent, big, strong defenseman, who would be in any team's top two defense pairings. For these reasons, Mr. Franson contends that his award should be above the \$3.3

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<sup>12</sup> *Ibid.*

<sup>13</sup> *Supra*, note 2.

<sup>14</sup> *Supra*, note 2.

million midpoint.

### III. VALID COMPARABLE PLAYERS

#### A. Jason Demers, San Jose Sharks

During summer 2014, Jason Demers signed a two-year deal with the San Jose Sharks worth an average annual value of \$3.4 million.<sup>15</sup> Both Mr. Demers and Mr. Franson broke into the NHL in the same year, and have played similar roles on their respective teams throughout their careers. Last season, both players put up very similar numbers, with 5 goals each, and 34 points for Mr. Demers and 33 for Mr. Franson. Both players had a lowly 30 minutes in penalties, and both spent time on their teams' power play and penalty kill units.<sup>16</sup> Mr. Demers had the hand in plus/minus rating, as his +14 was well above the -20 rating of Mr. Franson, but this can be attributed to the fact that the Sharks finished 5<sup>th</sup> in the league standings, and sported one of the most high-powered offenses in the NHL.<sup>17</sup> The Maple Leafs, on the other hand, finished 19<sup>th</sup> overall, and gave up a league-worst 35.9 shots per game.<sup>18</sup> Mr. Franson edged Mr. Demers in the remaining meaningful 2013-2014 statistics, as his 20:41 average time on ice was over a minute higher than Mr. Demers' 19:29. Also, Mr. Franson spent 2:54 on the ice during power plays each game, and 1:38 shorthanded, while Mr. Demers only averaged 1:55 on power plays, and 1:25 shorthanded.<sup>19</sup> Lastly, Mr. Franson's 282 hits were significantly higher than Mr. Demers' 69 hits in 2013-2014, and his 111 shot blocks were higher than the 107 from Mr. Demers.<sup>20</sup>

Two areas where Mr. Franson greatly outshines Mr. Demers are durability and playoff performance. Over the past three seasons, Mr. Demers has missed a total of 58 regular season

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<sup>15</sup> [www.capegeek.com](http://www.capegeek.com)

<sup>16</sup> *Supra*, note 2.

<sup>17</sup> [www.nhl.com/ice/teamstats](http://www.nhl.com/ice/teamstats)

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

<sup>19</sup> *Supra*, note 2.

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

games, compared to Mr. Franson's 25. Also, Mr. Demers has missed a total of 12 playoff games due to various injuries, while Mr. Franson has not missed one.<sup>21</sup> Teams are paying players to perform on the ice, not in the press box. In terms of playoff performance, Mr. Demers has been lucky in the fact that he has spent his entire career playing for the talented San Jose Sharks, and has made the postseason each and every year. In 39 career playoff games, however, he only has 3 goals and 9 points, and a plus/minus rating of -6. Mr. Franson, on the other hand, in making the postseason 3 times in 5 years, has 4 goals and 13 points in only 23 games played, and a plus/minus rating of +1.<sup>22</sup> While Mr. Franson has shown a propensity to step up his game when it matters the most, the opposite can be said of Mr. Demers.

Due to the similarities between Mr. Franson and Mr. Demers, but mainly due to Mr. Franson's outperforming of Mr. Demers in several key categories, Mr. Franson submits that he is entitled to an award above Mr. Demers' \$3.4 million per year.

#### **B. Carl Gunnarsson, St. Louis Blues**

During the 2013 summer, Carl Gunnarsson signed a three-year deal with the Toronto Maple Leafs worth an annual average value of \$3.15 million.<sup>23</sup> Like his former teammate Mr. Franson, Mr. Gunnarsson broke into the NHL during the 2009-2010 season, and has consistently been a top-4 defenseman throughout his career. That is where the similarities end, though. Mr. Gunnarsson has proven to be a one-dimensional defenseman who seems to disappear in the playoffs. To make a valid comparison between the two defensemen, we will use Mr. Gunnarsson's numbers up to and including his platform year, the 2012-2013 season. While Mr. Franson has seen his average time on ice and offensive production improve throughout the past two seasons, Mr. Gunnarsson experienced just the opposite before his contract extension. In

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

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

<sup>23</sup> *Supra*, note 15.



2011-2012, Mr. Gunnarsson averaged 21:42 of time on ice, including 1:12 of power play time and 2:38 of penalty kill time, and had 4 goals and 15 assists in 76 games. And then, in the lockout-shortened 2012-2013, Mr. Gunnarsson averaged 21:16 of ice time, including 45 seconds of power play time and 2:35 of shorthanded time, and had 1 goal and 14 assists in 37 games. One area that Mr. Gunnarsson did outduel Mr. Franson in is plus/minus. Mr. Gunnarsson registered a very respectable +5 rating in 2012-2013, far outdoing Mr. Franson's -20 in 2013-2014.<sup>24</sup> However, Mr. Gunnarsson's high plus/minus can be attributed to his lessened role on the Leafs' back end, and his lack of play late in games and in important defensive situations. Mr. Gunnarsson is missing the offensive upside that characterizes Mr. Franson's game; the same skill set that makes NHL defensemen like Erik Karlsson and P.K. Subban so valuable.

Another significant difference between Mr. Gunnarsson and Mr. Franson is in playoff performance. While Mr. Franson has played his best hockey during the postseason, Mr. Gunnarsson has been a disappointment, putting up 1 assist and a -7 rating in 7 games in 2012-2013, his only trip to the playoffs in his career. Mr. Franson has made three trips to the postseason in 5 years, and has a career playoff average of 0.56 points per game, up from his career regular season average of 0.41 points per game. Mr. Gunnarsson, on the other hand, has a career playoff average of 0.14 points per game, much lower than his career regular season average of 0.31 points per game.<sup>25</sup> This is not a desirable statistic in games where every goal matters that much more.

Mr. Franson's versatility as an NHL defenseman is something that sets him apart from Mr. Gunnarsson. Mr. Franson is a big, rangy, physical defenseman who hits hard and often, and also has great offensive instincts. Mr. Gunnarsson is a big, physical defenseman too, but lacks

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<sup>24</sup> *Supra*, note 2.

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

the offensive skills that Mr. Franson exhibits. Although Mr. Gunnarsson is definitely a valuable penalty killer and sturdy stay-at-home defenseman, he does not display the confidence that Mr. Franson shows in both ends of the ice. If Mr. Gunnarsson wishes to increase his value at the NHL level, he will have to vastly improve his offensive capabilities.

Because of the similarities between Mr. Franson and Mr. Gunnarsson, but mainly due to the vast differences in key statistical areas like offensive production and playoff performance, Mr. Franson submits that he is entitled to an award well above Mr. Gunnarsson's \$3.15 million per year, specifically an award of \$3.5 million.

#### **IV. CONCLUSION**

Cody Franson is an important part of the Maple Leafs organization, and has improved his play each year he has been in Toronto. When assessing his performance in comparison to similar NHL defensemen, and when taking into consideration non-performance based intangibles, it is evident that he deserves a significant raise over his previous \$2 million, 1-year contract.<sup>26</sup> Based on Mr. Franson's offensive production, defensive abilities, and versatility as an NHL defenseman, appropriate compensation for a player of his caliber should be at least \$3.5 million per year.

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<sup>26</sup> *Supra*, note 15.