

IN THE MATTER OF SALARY ARBITRATION

BETWEEN:

CHRIS STEWART

(“THE PLAYER”)

AND

THE ST. LOUIS BLUES

(“THE CLUB”)

THE PLAYER’S BRIEF

TEAM 11

Counsel for “THE PLAYER”

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I. Introduction

The following brief has been prepared on behalf of Chris Stewart (The Player) with respect to his salary arbitration proceedings with the St. Louis Blues (The Club). After a general overview of The Player and his pre-NHL pro hockey career, this brief will consider the following categories of evidence, pursuant to Article 12 of the current CBA, in order to assess The Player's value: 1) the overall performance of The Player's in previous NHL seasons with particular emphasis on his offensive and defensive statistics; 2) The number of games played and any injuries or illnesses; 3) length of service in the League and/or with The Club and 4) the overall contribution of The Player to the competitive success or failure of The Club in the preceding season. The brief will then consider The Player's performance in contrast with two NHL players: Sam Gagner and Blake Wheeler. To conclude, the brief takes the position that any award of salary granted to The Player should be minimum \$4,800,000, which is the average yearly salary of Gagner. This is based on the argument that The Player is more well-rounded and more valuable to his club than Gagner and more similar as a player to Wheeler, who is set to make an average of \$5,600,000 over the next six years.

II. Player Assessment: Chris Stewart

a) Player overview

Chris Stewart was selected as a 1st round pick of the Colorado Avalanche (18th overall) in the 2006 NHL Entry Draft. ¹ Stewart made his NHL debut in December 2008, playing with the Colorado Avalanche. Midway through the 2010-11 NHL, Stewart was traded to The Club. In the shortened 2012-13 NHL season Stewart led The Club in goals (18) and points (36) while playing

¹ <http://www.hockey-reference.com/players/s/stewach02.html>

in all 48 regular season games.² As a prototypical “power forward”, The Player brought a distinct physical presence to The Club in the 2012-2013 season collecting four fighting majors, the second highest total on his team.³

b) Pre-NHL Career

Prior to entering the NHL, Stewart spent three seasons playing in the OHL. The Player subsequently played a full season (2007-08) with the Colorado Avalanche’s affiliate AHL club the Albany River Rats and played part of the 2008-09 season with the Lake Erie Monsters before making his NHL debut with the Avalanche in December of 2008. The Player finished his junior career scoring averaging 1.07 points per game, which includes a points-per-game ratio of 1.37 over his final two seasons in the OHL. In 101 AHL games, The Player finished with an average of 0.57 points per game.⁴

c) NHL Career

i) Overall Performance in Previous Seasons and Statistics in the NHL

Below are Chris Stewart’s career NHL statistics.

Season	Age	Tm	Lg	GP	G	A	PTS	GC	+/-	PIM	EV	PP	SH	GW	EV	SH	PP	S	S%	TOI	ATOI
2008-09	21	COL	NHL	53	11	8	19	8	-18	54	9	1	1	1	5	0	3	98	11.2	653	12:20
2009-10	22	COL	NHL	77	28	36	64	24	4	73	25	3	0	5	26	0	10	221	12.7	1286	16:42
2010-11	23	TOT	NHL	62	28	25	53	22	-6	53	16	12	0	5	21	0	4	162	17.3	1084	17:29
2010-11	23	COL	NHL	36	13	17	30	12	-10	38	8	5	0	3	14	0	3	95	13.7	609	16:56
2010-11	23	STL	NHL	26	15	8	23	10	4	15	8	7	0	2	7	0	1	67	22.4	475	18:16
2011-12	24	STL	NHL	79	15	15	30	12	1	109	13	2	0	1	13	0	2	166	9.0	1220	15:26
2012-13	25	STL	NHL	48	18	18	36	14	0	40	12	6	0	3	12	0	6	97	18.6	759	15:49
Career			NHL	319	100	102	202	81	-19	329	75	24	1	15	77	0	25	744	13.4	5002	15:33

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² Ibid.

³ <http://www.hockeyfights.com/players/2322>

⁴ Ibid.

⁵ Supra note 1.

The Player's regular season statistics over the course of five seasons reveals a trajectory that indicates improvement in nearly every facet of his game. In the 2010-11 season, Stewart finished in the top 10 of all players in the NHL in terms of shooting percentage, goals per game, and power play goals.⁶ In his platform year Stewart led The Club in goals and points, averaging 0.75 points per game; a jump from his average of 0.59 points per game over his previous four NHL seasons.⁷ At age 25 entering the prime years of his career, Stewart's offensive output in the 2013-14 season is expected to be on par with that of his 2012-2013 season if not better. The Player's statistics indicate he has tightened up his defensive game since being traded to The Club. As a player for the Avalanche, Stewart was a combined -24 over 2+ seasons; since being trade to The Club, he has been a very respectable +5.⁸ In sum, Stewart has developed into one of the NHL's truly elite level and most well rounded bona fide power forwards.

ii) Games Played/ Injury History

Over five NHL seasons Chris Stewart has played a total of 319 games.⁹ In his platform year, Stewart played in every regular season game for The Club and the season prior he played in 79 of 82 regular season games (missing 3 games due to suspension).¹⁰ Remarkably despite Stewart's hard and grinding physical style of play he has remained relatively free of serious injury throughout his minor league and NHL career. Two exceptions to this are a head injury that occurred in 2009 while Stewart was playing in the AHL which resulted in him missing 3 games and a more serious broken hand which Stewart incurred while involved in a fight with another player, which resulted in Stewart missing 21 games in the 2010-11 season.¹¹ Both these incidents

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ <http://www.tsn.ca/nhl/teams/players/bio/?id=5722>

¹¹ Ibid.

may fairly be regarded as fluke-type injuries and neither injury has proved problematic as part of a recurring pattern. Despite these two injuries, Stewart has shown particularly in the last two years that he possesses the tools to play a very physical style of game while being able to avoid re-occurring injuries, which ought to be very reassuring to The Club.

iii) The length of Service of the Player in the NHL or with the Club

Stewart has played the better part of five NHL seasons, just over half of these with the St. Louis Blues where he has become the club's most productive and arguably most valuable player. Stewart signed an entry-level three year contract with the Colorado Avalanche in 2007 before re-signing with the Avalanche in 2010 as a restricted free agent on a two year contract worth \$5,750,000 over two years.¹² After being traded to the St. Louis Blues, Stewart resigned with the Blues in 2012 on a one year contract worth \$ 3,000,000.¹³ At the end of the 2012-13 season Stewart became eligible for salary arbitration.

iv) The overall contribution to his club in the preceding season

As the leading contributor in points and goals over the 2012-13 NHL season for the St. Louis Blues there can be no question as to the import of Stewart's contributions to his club. Last season Stewart logged an average total ice time of 15:49¹⁴ and has been described by hockey media as the 'x factor' on the St. Louis Blues roster in terms of the clubs overall success.¹⁵

III. Player Comparison: Stewart compared to Gagner and Wheeler

a) Criteria for Selecting Comparable Players

From among the list of NHL players eligible for salary arbitration this or the last off season no player matched the combination of physical play and offensive prowess of Chris Stewart. In

¹² <http://capgeek.com/player/560>

¹³ Ibid.

¹⁴ Supra note 1.

¹⁵ <http://www.kmov.com/sports/hockey/headlines/HockeyStL-Grading-the-forwards---Part-2-208656611.html>

order to evaluate the qualities Stewart brings to the St. Louis Blues in their totality, two players were selected of a similar age who signed contracts with NHL clubs leading up to the 2013-2014 season in which they were eligible for arbitration. These players are comparable to Stewart for different reasons, but in combination they provide good benchmarks from which to assess Stewart's overall value. Both players are similar to Stewart in terms of number of seasons played in the NHL, points per game in the NHL and proximity in age. These players are Sam Gagner and Blake Wheeler. The statistics below are up to date for each player as of the end of the 2012-2013 NHL season.

Player	GP	Seasons	Age	Weight	Height	PPG	Fights
Stewart	319	5	25	232 lbs	6-2	0.63	28
Gagner	414	6	24	195 lbs	5-11	0.62	7
Wheeler	372	5	27	205 lbs	6-5	0.62	2

¹⁶

b) Stewart vs Gagner: Why Gagner is less well rounded, less valuable to his club

Prior to the 2013-2014 season, Sam Gagner was eligible for salary arbitration but was ultimately able to come to terms with the Edmonton Oilers on a three year contract that will pay him an average yearly salary of \$ 4,800,000. Below are Gagner's career NHL statistics.

				Scoring Stats					Goals					Assists				Ice Time			
Season	Age	Tm	Lg	GP	G	A	PTS	GC	+/-	PIM	EV	PP	SH	GW	EV	SH	PP	S	S%	TOI	ATOI
2007-08	18	EDM	NHL	79	13	36	49	17	-21	23	9	4	0	1	24	0	12	135	9.6	1239	15:41
2008-09	19	EDM	NHL	76	16	25	41	15	-1	51	10	6	0	1	20	0	5	156	10.3	1274	16:46
2009-10	20	EDM	NHL	68	15	26	41	15	-8	33	9	6	0	1	15	0	11	170	8.8	1108	16:17
2010-11	21	EDM	NHL	68	15	27	42	15	-17	37	11	3	1	2	21	0	6	138	10.9	1207	17:45
2011-12	22	EDM	NHL	75	18	29	47	17	5	36	12	6	0	0	23	0	6	149	12.1	1289	17:11
2012-13	23	EDM	NHL	48	14	24	38	14	-6	23	10	4	0	1	11	2	11	113	12.4	932	19:25

¹⁶ <http://www.hockey-reference.com/players/s/stewach02.html>; <http://www.hockey-reference.com/players/g/gagnesa01.html>; <http://www.hockey-reference.com/players/w/wheelbl01.html>; <http://www.hockeyfights.com/players/2322>; <http://www.hockeyfights.com/players/5643>; <http://www.hockeyfights.com/players/6747>

Career	NHL	414	91	167	258	93	-48	203	61	29	1	6	114	2	51	861	10.6	7047	17:01
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In comparison to Chris Stewart, Gagner has scored just slightly less points per game over the course of his NHL career. Gagner had an unusually high rate of scoring production compared to his usual statistics over the 2012-2013 season, but this may be fairly regarded as anomalous given the season was extremely shortened. In his five full-length NHL seasons, Gagner has reliably scored between 41 and 49 points (his highest tally of 49 points coming in his rookie NHL season).¹⁸ As such, Gagner's statistical output overall does not demonstrate the same upward trajectory as Stewart's. Gagner is a physically smaller player than Stewart and is less valuable as a physical presence on the ice to his club. Gagner's +/- statistics over the course of his career are also considerably worse than Stewart's. To emphasize this point, it may be noted that since Stewart was traded to the Blues in the 2010-11 season he has had a rating of +5, while since the 2010-11 season Gagner has had a rating of -18.¹⁹

The one statistic that Gagner outpaces Stewart on is average total ice-time logged for his club. While this statistic may indicate something about relative value of each player to their clubs, it is mitigated by the consideration that Stewart plays a much more physical brand of hockey which by its nature limits the amount of time he is on the ice. Additionally despite Gagner's unusually high offensive output during his platform year, he finished the season ranked second on his club for total points and fourth on his club in goal scoring, compared to Stewart who finished first on his club in both of these categories.²⁰ In sum, it is submitted that Sam Gagner is overall a less

¹⁷ <http://www.hockey-reference.com/players/g/gagnesa01.html>

¹⁸ Ibid.

¹⁹ <http://www.hockey-reference.com/players/g/gagnesa01.html> ; <http://www.hockey-reference.com/players/s/stewach02.html>

²⁰ <http://oilers.nhl.com/club/stats.htm?season=20122013>; <http://blues.nhl.com/club/stats.htm?season=20122013>

well rounded player than Stewart and as well less valuable to his club. As such Stewart should fairly receive a yearly salary no less than the average annual \$4,800,000 which Gagner earns.

c) Stewart vs Wheeler : Similar players, differing contract-length goals

Prior to the 2012-2013 season, Blake Wheeler was eligible for salary arbitration but settled with the Winnipeg Jets on a 6 year contract that would pay him an average of \$5,600,000 annually.²¹

Below are Wheeler's career NHL statistics.

					Scoring Stats							Goals				Assists					Ice Time	
Season	Age	Tm	Lg	GP	G	A	PTS	GC	+/-	PIM	EV	PP	SH	GW	EV	SH	PP	S	S%	TOI	ATOI	
2008-09	22	BOS	NHL	81	21	24	45	18	36	46	16	3	2	3	21	1	2	150	14.0	1109	13:41	
2009-10	23	BOS	NHL	82	18	20	38	15	-4	53	14	3	1	2	14	1	5	159	11.3	1295	15:47	
2010-11	24	TOT	NHL	81	18	26	44	17	10	46	18	0	0	2	21	0	5	179	10.1	1316	16:15	
2010-11	24	BOS	NHL	58	11	16	27	10	8	32	11	0	0	2	14	0	2	101	10.9	882	15:12	
2010-11	24	ATL	NHL	23	7	10	17	7	2	14	7	0	0	0	7	0	3	78	9.0	434	18:53	
2011-12	25	WPG	NHL	80	17	47	64	22	3	55	11	6	0	3	38	0	9	208	8.2	1526	19:05	
2012-13	26	WPG	NHL	48	19	22	41	16	-3	28	17	2	0	2	17	0	5	129	14.7	902	18:48	
Career			NHL	372	93	139	232	87	42	228	76	14	3	12	111	2	26	825	11.3	6148	16:31	

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Like Gagner, Wheeler's average point-per-game ratio throughout his NHL career is just slightly less than that of Chris Stewart's.²³ Similar to Stewart, Wheeler has begun to show an upwards trajectory in terms of his scoring output, collecting a career high 64 points in the 2011-12 season and 41 points in the shortened 2012-2013 season.²⁴ Wheeler stands at 6 feet 5 inches²⁵ and like Stewart, plays the role of a power forward. Wheeler plays on average a minute more of ice time per game than Stewart²⁶, but similar to Gagner plays a less physical brand of hockey than does Stewart; the 2 fighting majors he has collected in his NHL career compared to Stewart's 28 fighting majors over the same amount of seasons is some indication of that.²⁷ Wheeler

²¹ <http://capgeek.com/player/218>

²² <http://www.hockey-reference.com/players/w/wheelbl01.html>

²³ <http://www.hockey-reference.com/players/s/stewach02.html>; <http://www.hockey-reference.com/players/w/wheelbl01.html>

²⁴ Supra Note 24.

²⁵ Ibid.

²⁶ Supra Note 25.

²⁷ <http://www.hockeyfights.com/players/2322>; <http://www.hockeyfights.com/players/6747>

statistically exceeds Stewart in terms of his +/- statistics, as a career +42.²⁸ As a result of all of the above, Wheeler was rewarded with an extremely rich contract prior to the 2012-2013 season. It is doubtless that a contributing factor to the average annual figure which Wheeler negotiated was his willingness to commit to the Winnipeg Jets franchise for the length of a six year contract. While it is submitted on behalf of Chris Stewart that the player brings a comparable level of talent and production to the St. Louis Blues as Wheeler does to the Jets, Stewart does not seek similar compensation through arbitration due to the fact that no decision coming out of an arbitration hearing will result in a contract of similar length to Wheeler's.

IV. Conclusion

In conclusion it is submitted on behalf of the player that any award of salary for Mr. Stewart should be at minimum the value of Sam Gagner's contract for a three-year deal worth on average \$4,800,000 per annum. It is submitted that Chris Stewart is a more well-rounded player than Mr. Gagner. Mr. Stewart's skill-set and upward statistical trajectory over the course of his career is more comparable to that of Blake Wheeler, who recently signed a six year contract worth on average \$5,600,000 per annum. Mr. Stewart is not seeking a commensurate annual salary to Mr. Wheeler, because Mr. Stewart does not seek a contract of similar length to Mr. Wheeler. Nonetheless the contract which Mr. Wheeler signed provides a good benchmark of the value an improving high scoring power forward in the prime of his career has in today's NHL. The player respectfully submits that any salary awarded as a result of salary arbitration should be no less than \$4,800,000 per year.

²⁸ Supra Note 24.