

IN THE MATTER OF SALARY ARBITRATION PURSUANT TO THE NATIONAL
HOCKEY LEAGUE COLLECTIVE BARGAINING AGREEMENT

BETWEEN

CODY FRANSON

- AND -

THE TORONTO MAPLE LEAFS

BRIEF IN SUPPORT OF CODY FRANSON

TEAM 5

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Introduction and Overview

[1] This is a matter of salary arbitration between Cody Franson (“Franson” or “the Player”) and the Toronto Maple Leafs (“the Club”) pursuant to Article 12 of the 2014 Collective Bargaining Agreement (“CBA”) between the National Hockey League (“NHL”) and the National Hockey League Players’ Association (“NHLPA”).

[2] Throughout this brief all references to salary will be made using Average Annual Value.

Player Position

[3] Based on player performance (both platform year and career), additional considerations and an assessment of valid comparable players it is submitted that appropriate market value for Franson is between \$3.5 million to \$3.75 million.

Player Overview

[4] Franson played minor hockey for the Sicamous Eagles in British Columbia followed by the Beaver Valley Nitehawks, also in British Columbia. The Nitehawks won the Kooteny International Junior Hockey League Championship while Franson played on the team.¹ Franson moved to play junior hockey with the Vancouver Giants, helping propel them to a President’s Cup victory in 2006. This success was followed by a Memorial Cup victory in 2007.² Also in 2007, Franson was selected as a member of Team Canada for the World Junior Championships helping Team Canada secure a gold

¹ <http://www.eliteprospects.com/player.php?player=10431>

² Ibid.

medal victory.³ Throughout his minor and junior league hockey career Franson has played an important role in securing victory and success.

[5] Franson was drafted in the 3rd round, 79th overall, by the Nashville Predators during the 2005 Entry Draft. He played his first NHL game in 2009. He joined the club as part of a trade deal in 2011. Franson is recognized as a defenseman with strong offensive instincts, an accurate and powerful point shot and a physically dominating presence on the ice.⁴

[6] At 6 feet 5 inches and almost 215 pounds⁵ Franson is taller and heavier than the average NHL defenseman.⁶ As a right-handed defenseman he is also a scarce commodity. Only roughly three in ten NHL defenseman shoot right handed.⁷ He has put his size to good use and is a physically dominating presence on the ice recording 282 hits in his platform year, placing him at the top of all NHL defensemen.⁸ His physical presence is a constituent part of his game. He has averaged 2 hits per game throughout his NHL career.⁹

[7] On the attack in the offensive zone Franson is a force to be reckoned with. He has led the club in points from the defense and is consistently on the Club's first powerplay

³ Supra note 1.

⁴ <http://mapleleafshotstove.com/2013/06/02/2012-13-player-review-cody-franson/>

⁵ Supra note 1.

⁶ <http://www.pensionplanpuppets.com/2010/10/15/1751273/sizing-up-the-nhl-by-height-weight-and-age>

⁷ <http://www.theglobeandmail.com/sports/hockey/moving-from-right-to-left/article4309577/>

⁸ http://espn.go.com/nhl/statistics/player/_/stat/defensive/sort/hits/year/2014/position/defensemen

⁹ <http://mapleleafshotstove.com/2014/07/18/the-cody-franson-arbitration-what-is-he-worth/>

unit.¹⁰ Franson forms an important foundational piece of the Club's defense.

Compensation should follow accordingly.

Selection of Comparable Players

[8] In order to assess the appropriate market value for Franson, comparable NHL players will be used to evaluate his performance. Criteria for selection of comparable players include: age, platform year performance, career performance, style of play, role on their respective teams, and NHL experience.

[9] Comparable players selected for use in the brief include Carl Gunnarsson ("Gunnarsson"), Jason Demers ("Demers") and Zach Bogosian ("Bogosian"). These players are closely comparable to Franson and satisfy the requirements of the HACC Rules.

Franson vs Gunnarsson

Player Profile		
	Franson	Gunnarsson
Age	27	27
Height	6'5"	6'2"
Weight	213	196
Shoots	Right	Left
Draft Year	2005	2007
Draft Pick Overall	79th	194th

¹⁰ Ibid.

Platform Year Performance			Career Performance		
	Franson	Gunnarsson		Franson	Gunnarsson
Games Played	79	80	Games Played	322	304
Goals	5	3	Goals	28	15
Assists	28	14	Assists	105	71
Points	33	17	Points	133	86
+/-	-20	12	+/-	8	14
Penalty Minutes	30	34	Penalty Minutes	106	92
Power Play Goals	1	0	Power Play Goals	9	1
Shots	115	48	Shots	496	279
Shot %	4.3	6.3	Shot %	5.6	5.4
TOI/GP	20:41	19:24	Hits	644	
Hits	282	166			

[10] Gunnarsson is a fellow Toronto Maple Leaf and received a three-year contract with an AAV of \$3.15 million. It is our submission that fair market value for Franson is significantly higher than Gunnarsson.

[11] Franson is both taller and heavier than Gunnarsson with more NHL experience and surpasses Gunnarsson in nearly every statistical comparison both in platform year and career comparisons. Franson produces more goals, assists and points while staying out of the penalty box more often. At the same time Franson delivers significantly more shots and is a much more physical presence on the ice with more hits.

[12] It is clear that Franson is a more valuable asset and deserves an arbitration award significantly in excess of Gunnarsson.

Franson v Demers

Player Profile		
	Franson	Demers
Age	27	26
Height	6'5"	6'1"
Weight	213	195
Shoots	Right	Right
Draft Year	2005	2008
Draft Pick Overall	79th	186th

Platform Year Performance			Career Performance		
	Franson	Demers		Franson	Demers
Games Played	79	75	Games Played	322	281
Goals	5	5	Goals	28	16
Assists	28	29	Assists	105	80
Points	33	34	Points	133	96
+/-	-20	14	+/-	8	27
Penalty Minutes	30	30	Penalty Minutes	106	111
Power Play Goals	1	1	Power Play Goals	9	6
Shots	115	105	Shots	496	362
Shot %	4.3	4.8	Shot %	5.6	4.4
TOI/GP	20:41	19:29	Hits	644	290
Hits	282	69			

[13] Jason Demers plays for the San Jose Sharks and received a two-year contract with AAV of \$3.4 million. It is our submission that fair market value for Franson is higher than that of Demers, but at the very least no less than Demers.

[14] Once again Franson is taller, heavier and has more NHL experience than Demers. Franson surpasses Demers in nearly every statistical comparison both in platform year and career performance. Franson produces more goals, assists and points while staying out of the penalty box more often. At the same time Franson delivers significantly more shots and is a much more physical presence on the ice with more hits.

[15] In their platform year Demers missed a total of 23 games, including 8 playoff games.¹¹ In comparison, Franson missed only 3 games, all regular season.¹² While Demers, like Franson, is considered to be a strong offensive zone defenseman it is clear that Franson produces more for his team and produces more often. Clearly, fair market value for Franson is higher than Demers but at the very least no less than Demers.

Franson v Bogosian

Player Profile		
	Franson	Bogosian
Age	27	24
Height	6'5"	6'3"
Weight	213	225
Shoots	Right	Right
Draft Year	2005	2008
Draft Pick Overall	79th	3rd

Platform Year Performance			Career Performance		
	Franson	Bogosian		Franson	Bogosian
Games Played	79	55	Games Played	322	352
Goals	5	3	Goals	28	37
Assists	28	8	Assists	105	77
Points	33	11	Points	133	114
+/-	-20	3	+/-	8	-39
Penalty Minutes	30	48	Penalty Minutes	106	285
Power Play Goals	1	0	Power Play Goals	9	6
Shots	115	134	Shots	496	769
Shot %	4.3	2.2	Shot %	5.6	4.8
TOI/GP	20:41	22:54	Hits	644	N/A
Hits	282	94			

[16] Zach Bogosian plays for the Winnipeg Jets and received a seven-year contract with an AAV of \$5.14 million. While this contract is longer than normally used for persuasive comparison there are strong analytic reasons to use Bogosian as a comparable

¹¹ <http://forecaster.thehockeynews.com/hockeynews/hockey/player.php?5601>

¹² <http://forecaster.thehockeynews.com/hockeynews/hockey/player.php?5199>

player. Bogosian and Franson are more similar in size and style than either Gunnarsson or Demers. Both are very strong in the offensive zone and present big physical presences on the ice. As their career performance statistics show Franson and Bogosian have shown similar production values. While Bogosian has found the net more than Franson, Franson has assisted more often. Their point totals are similar. At the same time Bogosian's career plus/minus leaves much to be desired. A further significant difference can be found in injury history. In his platform year Bogosian suffered a serious strained groin followed by an upper body injury.¹³ These injuries kept Bogosian off the ice for a significant portion of the season as reflected in his games played statistic. Bogosian suited up for only 55 games compared to 79 for Franson.

[17] Despite player similarities and despite some significant injury concerns the Winnipeg Jets offered Bogosian a lucrative long term contract significantly higher than both other comparable players. Based on the above analysis it is clear that Franson's fair market value should climb closer to that of Zach Bogosian's.

Additional Considerations

[18] The Club will most certainly point to Franson's team worst -20 plus/minus for his platform year. While the NHL officially tracks plus/minus statistics, it has increasingly come under fire and scrutiny as an ineffective measure of a player's performance or contribution to his team, especially over a single season¹⁴ In fact, former Toronto Maple Leafs General Manager and long time NHL executive Brian Burke called the plus/minus

¹³ <http://forecaster.thehockeynews.com/hockeynews/hockey/player.php?6587>

¹⁴ <http://www.arcticicehockey.com/2014/6/5/5602668/why-plus-minus-is-the-worst-statistic-in-hockey>

state, "...a horse shit stat."¹⁵ The plus/minus statistic fails to take into account on-ice playing time, goaltender save percentage, and player-shooting percentage among other things. While these deficiencies may be minimized over the course of a career, they are only accentuated during a single good or bad team season. Franson's platform year -20 plus/minus score should be looked at in light of these single season deficiencies and against the backdrop of a career positive +8 plus/minus score.

Conclusion

[19] Based on Franson's platform year and career performance, strong offensive zone play and physical game it is submitted that fair market value is greater than \$3.15 million (Gunnarsson), is at least \$3.4 million (Demers) and more likely approaches \$5.14 million (Bogosian).

¹⁵ <http://blogs.edmontonjournal.com/2013/05/13/just-how-horse-shit-is-the-nhls-official-plus-minus-stat/>