**Section 201.251 Waiver and Preclusion of Privilege**

a) *A privilege under Section* 201.250 *may be waived in a record or orally during a proceeding if it is expressly waived by all* participants *to the mediation, and in the case of the privilege of a mediator,* if *it is expressly waived by the mediator.*

b) *A person that discloses or makes a representation about a mediation communication which prejudices another person in a proceeding is precluded from asserting a privilege under Section* 201.250*, but only to the extent necessary for the person prejudiced to respond to the representation or disclosure.*

c) *A person that intentionally uses a mediation to plan, attempt to commit or commit a crime, or to conceal an ongoing crime or ongoing criminal activity is precluded from asserting a privilege under Section* 201.250. [710 ILCS 35/5]